



PROACTIVE RELEASE COVERSHEET

Minister	Minister Bishop	Portfolio	RMA Reform
Name of package	Phase 2 National Direction	Date to be published	07 May 2026

List of documents that have been proactively released

Date	Title	Author
30 March 2026	Regulatory Impact Statement: Amendments to the National Environmental Standards for Commercial Forestry	Ministry for Primary Industries

Information redacted **NO**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

N/A



Regulatory Impact Statement: Amendments to the National Environmental Standards for Commercial Forestry

Decision sought	Final Cabinet decision to amend the National Environmental Standards for Commercial Forestry (NES-CF)
Agency responsible	Ministry for Primary Industries Ministry for the Environment
Proposing Ministers	Minister Responsible for RMA Reform
Date finalised	30 March 2026

This Regulatory Impact Statement builds from the Interim Regulatory Impact Statement: National Environmental Standards for Commercial Forestry, finalised on 17 April 2025. Public consultation on the proposal was carried out between 29 May and 27 July 2025. This version has been updated in light of the submissions received and subsequent decisions by Ministers.

Summary: Problem definition and options

What is the policy problem?

The National Environmental Standards for Commercial Forestry (NES-CF) are regulations under the Resource Management Act 1991 (RMA) that aim to:

- maintain or improve environmental outcomes from commercial forestry activities
- increase the efficiency and certainty of managing commercial forestry activities.

The overarching policy problem, which changes are proposed to address, is that some provisions in the NES-CF can impose a regulatory burden disproportionate to environmental risk and/or create uncertainty for system users.

Four specific issues are covered in this RIS.

Issue A: The ability of local authorities to have more stringent rules than the NES-CF creates uncertainty and additional costs for the forestry sector (key issue)

While most of regulation 6 operates as intended, regulations 6(1)(a) and 6(4A) are creating uncertainty for the forestry sector:

- **Regulation 6(1)(a)** is a general provision, compared to otherwise specific provisions in regulation 6. This provision gives councils broad discretion to have more stringent rules to give effect to the National Policy Statement for Freshwater Management, which is creating uncertainty and unnecessary costs.
- **Regulation 6(4A)** gives councils broad discretion to have more stringent rules to control aspects of afforestation, including location. Its future use could lead to inconsistent rules across regions.

Issue B: Prescriptive requirements for managing slash are costly, difficult to implement and, at times, disproportionate to risk (key issue)

Extreme weather events, such as those in Tairāwhiti and the Hawke’s Bay, and the resulting damage associated with commercial forests, influenced the development of NES-CF changes to manage slash. Regulations 69(5)-(7) were introduced in 2023, setting prescriptive size and volume limits for slash (any tree waste left behind after commercial forestry activities) that may remain on the cutover (harvested area). The rules have proven difficult and costly for foresters (including retrieving and storing material) and for councils (including measuring residual slash for compliance) to implement, which at times is disproportionate to the actual environmental risk. For example, stakeholders have described areas where the removal of material is required even though the risk of slash mobilisation from heavy rainfall is minimal.

Issue C: Requirements for afforestation and replanting plans are duplicative

The requirements duplicate existing provisions of the NES-CF and, in some cases, must be met using assumptions. Though this is common in planning processes, we see limited value in foresters providing information to councils (or councils requesting information) about sedimentation (as one example), which is likely to occur when a forest is harvested – 25 to 40 years after afforestation.

Issue D: Some minor wording changes made in 2023 have led to confusion and a lack of clarity about the meaning of certain terms

Stakeholders identified some minor wording changes, which have led to confusion and a lack of clarity about what certain terms might mean. We agree that there appear to be no environmental or other benefits arising from the changes.

What is the policy objective?

Cabinet agreed that the objective for changes to the NES-CF is to remove regulatory burden and uncertainty for the commercial forestry sector (ECO-24-MIN-0112 refers).

What policy options have been considered, including any alternatives to regulation?

Addressing issues with stringency regulations

Options for addressing issues with regulation 6(1)(a)

Options considered for addressing issues with regulation 6(1)(a) are:

- Option 1: status quo (no change)
- Option 2: repealing 6(1)(a)
- Option 3: amending 6(1)(a) to be more specific about when councils can impose stricter rules than the NES-CF to address the risk of severe erosion from a commercial forestry activity (preferred option and notified proposal).

We considered other options that were not progressed further, including:

- Repealing regulation 6(1)(a) entirely, but amending 6(3) to include specific geologies that present a major risk factor for severe erosion in Gisborne and northern Hawke’s Bay
- Explicitly carving out Gisborne as the only region allowed to make more stringent rules than the NES-CF in relation to 6(1)(a)
- Removing regulation 6 in its entirety.

Options for addressing issues with regulation 6(4A)

Options considered for addressing issues with regulation 6(4A) are:

- Option 1: status quo (no change)
- Option 2: repealing 6(4A) (preferred option and notified proposal).

Addressing issues with slash management requirements

- Option 1: the status quo (no change)
- Option 2: introducing a slash mobilisation risk assessment approach (preferred option and notified proposal)
- Option 3: amending the slash dimensions in regulations 69(5)-(7).

Addressing issues with afforestation and replanting plan requirements

- Option 1: the status quo (no change)
- Option 2: remove requirements for both afforestation and replanting plans (notified proposal)
- Option 3: retain a requirement for streamlined afforestation plans and remove the requirement for replanting plans (preferred option).

Addressing minor text issues in the regulations

- Option 1: the status quo (no change)
- Option 2: making the three minor text amendments identified (preferred option and notified proposal).

What consultation has been undertaken?

The Government publicly consulted on the NES-CF from 29 May 2025 to 27 July 2025 through a discussion document called [Package 2: Primary sector - Discussion document](#). A total of 161 submissions were received on the proposed amended NES-CF, and a summary of submissions and recommendations report was prepared. Submissions have informed the development of this RIS.

Are the preferred options in the Cabinet paper the same as the preferred options in the RIS?

Yes.

Costs (Core information)**Preferred option for addressing issues with stringency regulations**

The costs of amending regulation 6(1)(a) and repealing regulation 6(4A) include:

- **For councils:** reduction in ability to introduce more stringent rules than the NES-CF and initial costs (for some councils) to align plan rules with the amended regulation 6(1)(a); potential ongoing costs to meet evidence requirement of the amended regulation.
- **For central government:** initial cost of developing guidance to clarify intent and expectations of the amended regulation 6(1)(a); potential ongoing cost to monitor use of stringency.
- **For iwi/Māori:** reduction in ability to participate in and influence planning processes.
- **For the public:** there may be a perception in some communities that local control has decreased and environmental safeguards have loosened.

Preferred option for addressing issues with slash management requirements

The costs of introducing a slash mobilisation risk assessment approach include:

- **For regulated groups:** ongoing costs to assess slash mobilisation risk and manage slash in high-risk areas (but with more flexible management options); foresters may incur greater costs where they lack the skills and expertise to carry out the assessment.
- **For councils:** ongoing cost to build understanding of slash mobilisation risk and mitigations for the purpose of enforcement and issuing consents.

- **For central government:** initial cost to develop the slash mobilisation risk assessment template (and guidance).
- **For iwi/Māori:** costs to manage sites at high-risk of slash mobilisation will remain – this may disproportionately affect Māori foresters and landowners as Māori land tends to be higher risk.

Preferred option for addressing issues with afforestation and replanting plan requirements

The costs of retaining a requirement for streamlined afforestation plans and remove the requirement for replanting plans include:

- **For councils:** councils will no longer be able to request replanting plans from regulated groups; councils will be able to request afforestation plans, but what they can request as part of these plans will be more limited.

Preferred option for addressing minor text issues in the regulations

We have not identified any direct costs associated with making the minor text amendments.

Benefits (Core information)

Preferred option for addressing issues with stringency regulations

The benefits of amending regulation 6(1)(a) and repealing regulation 6(4A) include:

- **For regulated groups:** reduction in costs associated with plan changes (e.g. making a submission on or challenging a plan change); reduction in costs related to forgone investment opportunities, greater restrictions on land use and increased requirements for operation.
- **For councils:** more clarity and certainty over the regulations; reduction in costs of plan making where stringency is no longer possible.
- **For iwi/Māori:** more clarity and certainty over the regulations; ongoing reduction in costs for Māori with an interest in forestry (foresters and landowners).

Preferred option for addressing issues with slash management requirements

The benefits of introducing a slash mobilisation risk assessment approach include:

- **For regulated groups:** foresters will have a tool to efficiently identify high-risk sites that require greater management (and possibly resource consent); reduction in slash management required for low-risk sites, reducing costs and increasing operational certainty.
- **For councils:** reduced effort from enforcing a prescriptive standard for slash and writing consents.
- **For iwi/Māori:** changes are expected to benefit Māori with an interest in forestry (foresters and land owners); ongoing benefits from increased protection for Māori land, communities and values from the downstream impacts of slash mobilisation.
- **For public:** More effective slash mobilisation risk management will benefit communities downstream of forestry activities, which is expected to grow public confidence in the forestry sector and the national regulations.

Preferred option for addressing issues with afforestation and replanting plan requirements

The benefits of retaining a requirement for streamlined afforestation plans and removing the requirement for replanting plans include:

- **For regulated groups:** reduction in costs associated with providing replanting plans and a reduction in costs associated with preparing afforestation plans.
- **For councils:** reduction in costs associated with requesting and processing afforestation and replanting plans for some councils.

- **For iwi/Māori:** reduction in costs for Māori with an interest in forestry (foresters and landowners).

Preferred option for addressing minor text issues in the regulations

Making the minor text amendments will provide more clarity over the regulations, which is expected to benefit all system users.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?

We consider that the benefits of amending the NES-CF outweigh the costs. Specifically:

- The benefits of the preferred option for addressing issues with stringency regulations compared to taking no action (medium to high) outweigh the costs (low to medium).
 - The benefits of the preferred option for addressing issues with slash management regulations compared to taking no action (high) outweigh the costs (medium).
 - The benefits of the preferred option for addressing issues with afforestation and replanting plan requirements compared to taking no action (low to medium) outweigh the costs (low).
- The benefits of the preferred option for addressing minor text issues compared to taking no action (low) outweigh the costs (none were identified).

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The amended NES-CF will take immediate effect from its commencement date, 28 days after gazettal. In summary, this will mean that:

- Councils will need to amend any rules that conflict with the amended regulation 6(1)(a). The Ministry for Primary Industries (MPI) will develop guidance to ensure councils are clear about the intent of the amended provision, the type of evidence expected to demonstrate why more stringent rules are required, and the expectations for mapping the affected land.
- Implementation needs for repealing regulation 6(4A) are minor – to date, no council has notified plan rules under this provision.
- Foresters will need to assess slash mobilisation risk using the slash mobilisation risk assessment template – MPI will develop a template and guidance to enable compliance.
- There will be reduced requirements for afforestation plans – MPI will develop guidance to clarify compliance.
- Minor text changes will be made to the regulations.

MPI will continue to work with the Ministry for the Environment on how the amended NES-CF may be transitioned into the new planning system.

Limitations and Constraints on Analysis

There were some limitations and constraints on analysis including:

- The Cabinet-agreed objective of the proposals, to remove regulatory burden and uncertainty for the commercial forestry sector, limited the range of possible changes to the NES-CF.
- Timeframes for resource management reform have meant that there were limited opportunities to engage with stakeholders and partners prior to consultation, and to align national direction instruments.

- Quantitative data to support our problem identification and analysis of options is limited due to several factors. With the exception of regulation 6(1)(a), which was part of the original regulations, the amended regulations have only been in place since late 2023, leaving little time for them to bed in and for their impacts to be fully understood. However, feedback heard through targeted engagement and public consultation has informed our understanding of each of the issues and our analysis of options.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

**Responsible Manager
signature:**



**Jane Chirnside
Acting Director, Primary Sector Policy
Ministry for Primary Industries
30 March 2026**

Quality Assurance Statement	
Reviewing Agencies: Ministry for the Environment, Department of Conservation and Ministry for Primary Industries	QA rating: Meets
Panel Comment:	
A quality assurance panel with members from the Ministry for the Environment Regulatory Impact Analysis Team and Department of Conservation and Ministry for Primary Industries has reviewed the Regulatory Impact Statement. The panel considers that it meets the Quality Assurance criteria.	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Forestry is a significant industry in New Zealand

1. Forestry is a large contributor to New Zealand's economy, with export values contributing \$5.9 billion in 2024 – \$3.13 billion from logs and \$2.76 billion from other forest products.¹ The sector employs around 42,000 people in forestry and logging, wood production, and processing.
2. There is significant potential for the forestry industry to support the Government's export growth goals, and the Government has committed to backing the sector by making sure regulation is clear, practical and nationally consistent.
3. In 2023, proposals for forestry regulation were recorded in the National Party manifesto document "Forests for a Stronger Economy" and in the National-New Zealand First Coalition agreement.²
 - a. The National Party's plan to grow forestry and wood processing included:³
 - i. Reverse the recent changes that require council consents for all new forestry planting, rather than simply being clear about areas where planting should not happen;
 - ii. Update the National Environmental Standard for Plantation Forestry (NES-PF) based on the findings of the recent review⁴; and
 - iii. Prioritise slash⁵ management as a mandatory part of forest harvest plans.
 - b. The National-New Zealand First coalition agreement sought to:
 - i. Make it easier to consent new infrastructure, including renewable energy, allow farmers to farm, get more houses built, and enhance the primary sector, including fish and aquaculture, forestry, pastoral, horticulture and mining.
 - ii. Amend the NES-PF regulations to place a duty upon harvesters to contain and remove post-harvest slash.

Forestry rules aim to improve environmental outcomes and certainty for the industry

4. The Resource Management Act 1991 (RMA) was introduced to sustainably manage natural and physical resources.
5. The Resource Management (National Environmental Standards for Commercial Forestry) 2017 (NES-CF, previously NES-PF), came into force on 1 May 2018. The NES-CF sit within the current RMA framework and provide nationally consistent regulations with the following objectives:
 - a. maintain or improve the environmental outcomes associated with commercial forestry activities; and
 - b. increase the efficiency and certainty of managing commercial forestry activities.

¹ <https://www.mpi.govt.nz/forestry/forest-industry-and-workforce/forestry-wood-processing-data>

² https://assets.nationbuilder.com/nzfirst/pages/4462/attachments/original/1700784896/National___NZ_F_Coalition_Agreement_signed_-_24_Nov_2023.pdf

³ <https://www.national.org.nz/policies/forests-for-a-strong-economy>

⁴ In response to the damage from extreme weather events in Tairāwhiti/Gisborne and Wairoa, a Ministerial Inquiry into Land Use (MILU) was established in 2023. It was tasked with describing the history of land uses associated with the mobilisation of woody debris (including forestry slash and sediment) in the regions, and with making recommendations about further work required.

⁵ Slash means any tree waste left behind after commercial forestry activities.

6. In certain circumstances, councils need flexibility in rules to protect or manage sensitive or unique environments. Regulation 6 sets out when a council can make rules in a plan that are more stringent (or lenient) than the NES-CF to manage these unique situations.
7. In 2019, a Year One review of the regulations was commenced by the Ministry for Primary Industries (MPI).⁶ This review identified some areas where improvements to the regulations would help them to better achieve their objectives.
8. Around the same time as the review, public interest grew around the costs and benefits of commercial forestry. Projected increases in exotic afforestation raised concerns among some communities, primary sector groups, environmental non-governmental organisations and councils about adverse effects.
9. In response to these concerns—particularly about exotic continuous-cover ‘carbon forests’—and recommendations from the Year One review, the previous Government made changes to the NES-CF in 2023, which included giving councils greater influence over afforestation decisions, such as forest location (via regulation 6(4A)). Extreme weather events, such as those in Tairāwhiti and Hawke’s Bay, and the resulting damage associated with commercial forests, also influenced the development of prescriptive standards to manage forestry slash on the harvest cutover⁷ (specific requirements for slash on the cutover were not included in the initial regulations). Other operational changes included changes to the wilding conifer standards, an increase in documentation requirements through afforestation and replanting plans, and additional harvest management plan requirements.⁸

The Government has committed to reforming the RMA system through a phased approach and changes to national direction are part of Phase Two

10. The Government’s RMA reform programme is being progressed through three phases:
 - a. Phase One [completed in December 2023] – repeal the Natural and Built Environment Act 2023 and Spatial Planning Act 2023, which the previous Government intended to replace the RMA.
 - b. Phase Two [underway] - targeted changes to the existing resource management system through the Fast-track Approvals Act 2024, the Resource Management (Consenting and Other System Changes) Amendment Act 2025, and a package of new and amended national direction.
 - c. Phase Three [bills introduced in December 2025] – legislation to replace the RMA.
11. The Resource Management (Consenting and Other System Changes) Amendment Act 2025 paused councils’ work on review and change of their RMA plans (hereafter referred to as Plan Stop).⁹ However, councils can self-determine if their draft or proposed planning instrument meets the requirements for an automatic exemption or apply to the Minister for an exemption. For example, we understand that Gisborne District Council has applied

⁶ <https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/#:~:text=Year%20One%20review%20of%20the%20NES%2DPF&text=Overall%2C%20the%20Year%20One%20review,would%20lift%20performance%20and%20compliance.>

⁷ “Cutover” is defined in the NES-CF as: the land area that has been harvested, and any adjacent land between the harvested area and any land that would be covered by water during a 5% annual exceedance probability (AEP) event, but does not include water bodies or land that would be covered by water during a 5% AEP event.

⁸ The 2023 changes include more than what is detailed here. For a full list of changes, please refer to the [2023 final recommendations and decisions report](#) on changes to the NES-CF.

⁹ <https://environment.govt.nz/acts-and-regulations/acts/rm-amendment-act-2025/understanding-plan-stop/>

- for a Plan Stop exemption to progress a sustainable land use plan change proposal aimed at strengthening how highly eroding and erosion-prone land is managed in Tairāwhiti.
12. Changes to national direction are well advanced. The first tranche of RMA national direction instruments – ten new or amended instruments – was gazetted on 18 December 2025 and came into effect on 15 January 2026. The proposed amended NES-CF is part of a second tranche of instruments. All amended and new RMA national direction will have immediate effect under the RMA and will be restructured and incorporated into the new planning system (Phase Three).
 13. Phase Three will replace the RMA with new resource management laws premised on the enjoyment of property rights as a guiding principle. In December 2025, the Government introduced the Planning Bill and the Natural Environment Bill.
 14. The Government is also in the process of reviewing freshwater national direction instruments, including the National Policy Statement for Freshwater Management (NPS-FM). Recent consultation on freshwater included seeking feedback on whether to progress changes to freshwater instruments under the RMA, or the new RM system. In anticipation of the replacement NPS-FM, the Government has restricted the ability of regional councils to notify “freshwater planning instruments” until a new NPS-FM is gazetted (or 31 December 2027).¹⁰

How is the status quo expected to develop if no action is taken?

15. If no action is taken, the NES-CF will continue to have uncertainty and unnecessary costs in some areas of operation and consenting, when it migrates into the new planning system. MPI is working with the Ministry for the Environment (MFE) to understand how regulation of forestry and wood processing will be managed in the new system. For example, we have yet to understand how the NES-CF (as an activity-based standard) will align with the proposed system of national standards and environmental limits, and the transitional arrangements between the two systems.

Other relevant government work programmes

16. The proposed NES-CF amendments complement other Government initiatives that increase efficiency and certainty for the commercial forestry sector. The Government has already repealed the mandatory registration system for log traders and forestry advisors.¹¹ In addition, changes were passed into law on 20 August 2025 to require resource consents for ‘wood processing activities’ to be processed within 12 months. The intent of these changes is to increase certainty and reduce costs for the sector so that investment in additional wood processing capacity can support economic growth and export earnings.¹²
17. Additionally, the Government is addressing concern over large-scale farmland conversion to forestry through limits on how much farmland converted to exotic forestry is eligible for registration in the Emissions Trading Scheme (ETS).¹³

¹⁰ See section 80A(4A) of the Resource Management Act.

¹¹ In June 2024 the Government repealed legislation requiring the compulsory registration of log traders and forestry advisers: <https://www.beehive.govt.nz/release/government-repeals-costly-log-trade-legislation>

¹² <https://environment.govt.nz/assets/publications/RM-reform/consenting-wood-infrastructure-energy-wood-processing-activities-rm2.pdf>

¹³ <https://www.mpi.govt.nz/forestry/forestry-in-the-emissions-trading-scheme/news-and-changes-to-the-ets>

18. The Government is also carrying out a wide review of cost recovery settings for the ETS to be completed in 2026.

What is the policy problem or opportunity?

19. The overarching policy problem, which changes are proposed to address, is that some provisions in the NES-CF can impose a regulatory burden disproportionate to environmental risk and/or create uncertainty for system users.
20. Four specific issues are covered in this RIS :
- a. Issue A - The ability of local authorities to have more stringent rules than the NES-CF creates uncertainty and additional costs for the forestry sector;
 - b. Issue B - Prescriptive requirements for managing slash are costly, difficult to implement and, at times, disproportionate to risk;
 - c. Issue C - Requirements for afforestation and replanting plans are duplicative; and
 - d. Issue D - Some minor wording changes made in 2023 have led to confusion and a lack of clarity about the meaning of certain terms.

Issue A: The ability of local authorities to have more stringent rules than the NES-CF creates uncertainty and additional costs for the forestry sector

21. National standards provide consistency for foresters and councils in the regulation of commercial forestry activities. Regulation 6 of the NES-CF,¹⁴ recognises that some site-specific or locally-specific conditions may require a specific local approach, so enables councils to introduce more stringent (or lenient) rules than the NES-CF in specific circumstances.
22. While many parts of regulation 6 are working as intended, some are creating regulatory uncertainty:
- a. Regulation 6(1)(a) is a general provision which allows councils to make more stringent rules to give effect to an objective of the National Policy Statement for Freshwater Management (NPS-FM)¹⁵.
 - b. Regulation 6(4A) gives councils broad discretion to control aspects of afforestation, including location.

Regulation 6(1)(a) gives councils broad discretion to make rules more stringent than the national regulations, which is creating uncertainty and unnecessary costs

23. The intent of regulation 6(1)(a) when it was introduced was to allow councils to give effect to the NPS-FM. In particular, a sediment attribute was in development for the NPS-FM as the NES-CF was being finalised but the content of the attribute, and the way in which councils would implement it, was unknown when the NES-CF was gazetted in 2017.
24. Councils have since used regulation 6(1)(a) to give effect to the NPS-FM using a broad range of interpretations. Forestry operators face uncertainty because they cannot predict when councils will impose stricter rules and face costs associated with monitoring, engaging in, and (in some cases) challenging the plan-making process.
25. A number of forestry companies operating nationally must comply with different local rules, which makes planning, investment and compliance more complex and costly. While there may be a genuine need, in some regions, to have more stringent rules to manage the environmental effects of commercial forestry activities, the current broad

¹⁴ NES-CF regulation 6 - Relationship between rules and these regulations

¹⁵ NES-CF regulation 6(1)(a) “A rule in a plan may be more stringent than these regulations if the rule gives effect to—(a) an objective developed to give effect to the National Policy Statement for Freshwater Management”

- discretion that regulation 6(1)(a) offers councils undermines the purpose of national direction.
26. We are aware of two instances where councils have progressed plan changes, including rules that would limit commercial forestry without providing clear evidence of effects as required through the RMA Schedule 1 plan change process:
 - a. Forestry companies successfully challenged Environment Canterbury (ECan) over a rule relating to sediment discharge that was more stringent than the NES-CF. The High Court found that adequate reasons were not provided for the decisions to include the rule, and that expert evidence and legal submissions were not adequately considered.¹⁶
 - b. Otago Regional Council (ORC) included rules for forestry setbacks in its proposed Land and Water Regional Plan (pLWRP), which was developed to give effect to the NPS-FM. A section 32 evaluation was undertaken. Our view is that there was inadequate assessment of the impacts of requiring a consent for all exotic forest plantations greater than 10 hectares in Otago, which could impose significant costs for the forestry industry.¹⁷
 27. Though we acknowledge that this could be considered an issue with how councils follow plan change processes, it is also possible to see the problem as the lack of specificity and clear evidential threshold in regulation 6(1)(a) creating uncertainty for regulators in its application.
 28. Providing certainty for both the forestry sector and regulators on when regulation 6(1)(a) can be used, and restoring confidence in the national set of regulations, provides the rationale for amending the regulations.

Regulation 6(4A) gives councils broad discretion to control aspects of afforestation

29. The intent of regulation 6(4A) was to allow councils to decide where new afforestation would go, particularly to manage the increase in afforestation and loss of productive land to carbon forests (see also paragraphs 8-9). However, this issue is now being addressed through other legislation – specifically, the Government has introduced limits on how much farmland converted to exotic forestry is eligible for registration in the Emissions Trading Scheme.¹⁸
30. We are not aware of any instances where this regulation has been applied to date but, at the time of consultation, we understood some councils had intended on using it. The use of this regulation could result in variable council rules, creating uncertainty for the sector and undermining the purpose of national direction. The NES-CF was developed to

¹⁶ The decision in *Rayonier v Canterbury Regional Council* found that, on evidence and process, ECan had not justified a need for more a stringent rule than the NES-CF.

¹⁷ The evaluation provided some general information about forestry as a land use, community views on forestry as a land use and selected environmental factors but the adverse effects cited were those found in the Gisborne region and were not related to the Otago region through evidence. Based on the information available, our view is that ORC did not provide sufficient evidence of how changes are required to address freshwater issues in the region. It appears that the draft ORC rules treat afforestation and its potential effects in a different way to other primary production activities such as agriculture and horticulture without clear justification. At the time of writing this RIS, we have not seen evidence of the purpose or justifications that ORC are using for rule stringency under regulation 6(1)(a). Given that regional councils are not currently able to notify freshwater planning instruments (see paragraph 14), work on the pLWRP has, for the time being, been paused.

¹⁸ <https://www.mpi.govt.nz/forestry/forestry-in-the-emissions-trading-scheme/news-and-changes-to-the-ets/limits-to-restrict-farm-to-forest-conversions>

manage the environmental effects of commercial forestry and should provide adequate management of those effects.

Issue B: Prescriptive requirements for managing slash are costly, difficult to implement and, at times, disproportionate to risk

31. On some sites, forestry slash can provide environmental benefits, such as erosion control during the post-harvest commercial forestry lifecycle. However, on other sites, if slash is not carefully managed, it can mobilise and enter waterways, causing harm to downstream environments and communities.
32. Extreme weather events, such as those in Tairāwhiti and the Hawke's Bay, and the corresponding damage associated with commercial forests, influenced the development of NES-CF changes to manage slash on the forest cutover. In 2023, slash management regulations 69(5)-(7) were added to the NES-CF. These took a prescriptive approach, requiring the removal of slash above set dimensions from the cutover with a residual quantity of that size which could be left on the forest cutover after harvest. Although the shallow landslides and debris flows that mobilise slash cannot be prevented, foresters can manage the volume of residual slash left on the cutover. By removing slash from these areas, the volume available to be mobilised is significantly lowered.
33. While the requirements have only been in place a short time, foresters and councils report practical issues with implementing the regulations. This includes costs and technical difficulty with retrieving and storing material (foresters) and with measuring residual slash for compliance purposes (councils). In some cases, these efforts are disproportionate to the actual environmental risk. For example, stakeholders have described areas where the removal of material is required even though the risk of slash mobilisation is minimal. We have seen one resource consent for harvest of an orange zone site where there is no risk of slash mobilising and no downstream risk as there are no waterways on the site. Despite this, regulation 69(5)-(7) has meant that a consent is required.¹⁹ This consent requires ongoing inspection and monitoring of the cutover following specified storm and rainfall events, which will entail ongoing cost and effort over the life of the consent.
34. There have been instances where slash on the forest cutover has mobilised and caused adverse effects downstream (as in Tairāwhiti). However, the risk of landslides and debris flows will vary significantly according to the physical characteristics of the site, the way in which it is harvested, as well as weather conditions during the window of vulnerability²⁰. As a result, the size of any risk reduction can only be assessed on a site-by-site basis and the current regulations do not offer this flexibility.
35. We consider an effective and efficient regulation should focus increased effort and cost on areas where the risk of slash mobilisation is high.

Issue C: Requirements for afforestation and replanting plans are duplicative

36. A requirement for afforestation and replanting plans (regulations 10A and 77A, and schedule 3) was added to the NES-CF in 2023. The intent was to support the increased

¹⁹ Regulation 69(5)-(7) is a permitted activity condition for harvest, and a resource consent must be sought if it cannot be met

²⁰ The 'window of vulnerability' is a period of 6-8 years following clear-fell harvesting when the landscape is susceptible to rain-induced landslides. Recent research indicates the maximum landslide and density occurred on land harvested 1-4 years (and on average 2-3 years) before the event (Phillips et al, Exploring the post-harvest 'window of vulnerability' to landslides in New Zealand steepland plantation forests' Ecological Engineering 206 (2024)

emphasis on afforestation management, particularly for exotic continuous cover forests which may not be managed for harvest.

37. However, the requirements duplicate existing regulation in the NES-CF thus creating an administrative burden for foresters without serving a clear regulatory purpose. For example, the NES-CF anticipates potential future commercial forestry issues through conditions for permitted activities and resource consent thresholds relating to:
 - a. the suitability of the land for sustaining a tree crop (erosion susceptibility)
 - b. wilding conifer spread
 - c. shading of roads and properties
 - d. protection of waterways
 - e. significant natural areas and outstanding natural features and landscapes
 - f. notice requirements.
38. In some cases, the planning requirements must be met using assumptions due to the effects being unknown at the time of afforestation. Though we acknowledge that this is common in planning processes, we consider that there is limited value in foresters providing this information to councils (or in councils requesting this information). As one example, plans must include a description of “the erosion and sedimentation effects of afforestation and replanting, including those effects that arise over the lifecycle of the forest or until a subsequent forest planning requirement is triggered”. A growing forest is a highly effective means of managing erosion and sedimentation. Sedimentation is likely to occur when the forest is harvested, which is typically around 25-40 years after afforestation. We consider there to be no value in councils being informed of possible effects that far in advance.
39. Additionally, though foresters must complete these plans, councils do not necessarily request them. We sought feedback from one forestry company with sites across multiple councils around how often these plans were being requested. While they didn’t have this information readily available, they were aware of two councils that always requested them, and two others that never had.

Issue D: Some minor wording changes made in 2023 have led to confusion and a lack of clarity about the meaning of certain terms

40. Stakeholder engagement in 2024 identified some minor wording issues that have led to regulatory uncertainty:
 - a. A new requirement was added to the regulations to identify ‘woody debris’ (in schedules 3, 4, 5 and 6). The term is not defined in the regulations and we have heard from the forestry industry that its insertion in management plan requirements has created uncertainty over what needs to be mapped in management plans, and for what purpose, as ‘slash’ is the term defined in the regulations.
 - b. The wilding conifer standards were amended to make them more descriptive of requirements but omissions in drafting mean they are now unclear about the requirements of the wilding tree risk calculator score, how it must be followed and what must be provided to the council.
 - c. A section setting out requirements for low-intensity harvesting) includes the word “not” in error (regulation 71A(b)).
41. These errors are creating uncertainty for system users and we have not identified environmental or other benefits arising from the changes.

What objectives are sought in relation to the policy problem?

RMA reform objectives

42. The Government objectives for RMA reform, including through the national direction package were agreed by Cabinet in March 2024 (CAB-24-MIN-0246 refers). One objective is to make it easier to get things done by enabling primary sector growth and development, including forestry (the full set of seven objectives is recorded in the Cabinet minute).
43. For the Farming and Primary Sector package in the national direction work programme, the Government set the following objectives:
 - a. enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticultural, and mining);
 - b. safeguarding the environment and human health;
 - c. adapting to the effects of climate change and reducing the risks from natural hazards;
 - d. improving regulatory quality in the resource management system; and
 - e. upholding Treaty of Waitangi settlements and other related arrangements.
44. All proposed changes to national direction instruments in the Farming and Primary Sector work programme seek to meet these objectives. Specific assessment criteria for the proposed changes were agreed for all national direction proposals. The assessment for the forestry proposals is outlined below.

Forestry objectives

45. The objectives of the NES-CF are to:
 - maintain or improve the environmental outcomes associated with commercial forestry activities; and
 - increase the efficiency and certainty of managing commercial forestry activities.
46. Cabinet agreed that the objective for changes to the instrument is to remove regulatory burden and uncertainty for the commercial forestry sector (ECO-24-MIN-0112 refers).

What consultation has been undertaken?

47. To inform policy options ahead of public consultation, targeted pre-engagement was undertaken with councils, commercial forestry and environmental interest groups, and some PSGEs and iwi.
48. The Government publicly consulted on the NES-CF from 29 May 2025 to 27 July 2025 through the [Package 2: Primary sector – Discussion document](#). 161 submissions were received on the proposed amended NES-CF, and a summary of submissions and recommendations report was prepared.
49. Feedback from consultation is included in the relevant sections below.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

50. For the Farming and Primary Sector national direction work programme, the Government has set the following assessment criteria:
 - **Effectiveness** – will be assessed against two criteria:
 - i. The extent to which the option contributes to the attainment of the relevant high-level objectives, including upholding Treaty settlements.

- ii. The option should also provide a solution to the identified problem.
- **Efficiency** – will be assessed against three criteria:
 - iii. The extent to which the option is the best way to achieve the objectives²¹.
 - iv. The option should provide enough flexibility to allow local circumstances to be adequately taken into account at the local level.
 - v. The option is cost effective.
- **Alignment:** The extent to which the option integrates well with other proposals and the wider statutory framework.
- **Implementation:** The extent to which the option is clear about the requirements for its implementation by local government/others and that it can be easily implemented.
- **Treaty of Waitangi:** The extent to which the option is consistent with or gives effect to Treaty settlements and te Tiriti principles.

What scope will options be considered within?

The range of possible changes to the NES-CF is limited

51. Cabinet agreed [ECO-24-MIN-0112 refers] that the scope of these amendments is:
 - reversing changes, which increased council discretion for afforestation;
 - repealing NES-CF clause 6(4A) and modify or repeal NES-CF clause 6(1)(a); and
 - reviewing slash settings.
52. This has limited the range of possible changes to the NES-CF (as well as ruled out the use of other tools, for example introducing a National Policy Statement for Forestry). These proposals do not prevent a future review of the NES-CF, or broader RM reform, from identifying and addressing issues outside the scope of current proposals.

Timeframes for RM reform have limited opportunities to engage with stakeholders and partners and to align national direction instruments

53. Policy development on amending the NES-CF has progressed under tight timeframes. As a result, we were unable to engage widely on options prior to policy decisions on proposed amendments ahead of public consultation. This was partially mitigated by the use of targeted engagement in the pre-consultation period to allow proposals to reflect feedback from key stakeholders and partners. It is further mitigated by the feedback provided to us through public consultation and MPI-led targeted (non-statutory) engagement with councils, industry stakeholders and Māori partners during the consultation period.
54. We have also been limited in the extent to which we can align changes to the NES-CF with other national direction and the Phase 3 RM reforms. We have relied on MfE, who is leading the delivery of the Government's RM reform work programme, to coordinate across national instruments, and RM phases, to help minimise risk of misalignment. We acknowledge that the volume and extent of change – to national direction as well as broader RM reforms – that regional and local councils and iwi will have to address will likely mean that there are cumulative costs that have not been assessed.

Data and evidence limitations and mitigations

55. With the exception of regulation 6(1)(a) which was part of the original regulations, the amended regulations have only been in place since late 2023, leaving little time for them to bed in and for their impacts to be fully understood. The varied nature of New Zealand's

²¹ I.e. is the regulatory burden proportionate to the anticipated benefits?

landscape means it is difficult to ascertain regulatory cause and effect. Council environmental monitoring is usually carried out at a catchment level and, where forestry is one of several land uses in a catchment, environmental effects can be difficult to ascribe to a particular land use.

56. There is evidence that the 2023 NES-CF amendments increase uncertainty and can be costly and time consuming to implement. However, data on the scale and impact of the problem, including economic or cost-benefit analysis, is limited.
57. Data and evidence to support the problem definition for the NES-CF slash management regulations includes anecdotal evidence from foresters and council staff, and a range of resource consents that have been shared with us. While the data and evidence is limited, it does support the argument that these regulations are not fit for purpose.
58. Targeted engagement ahead of public consultation identified the issues with afforestation and replanting plans and minor text issues. Our understanding of the problems was further informed by feedback from public consultation, which supported the argument that changes are needed to increase efficiency and clarity.
59. MPI commissioned an independent cost-benefit analysis on options for addressing issues with stringency regulations (Issue A) and options for addressing issues with slash management regulations (Issue B). Issues C and D were not assessed as they were considered too minor to meaningfully quantify costs and benefits. Along with feedback received through public consultation, the limited quantified and non-quantified results have informed our analysis, as set out (where relevant) in the following sections.

Treaty impact analysis

60. Information about the extent to which each of the proposals is consistent with or gives effect to Treaty settlements and te Tiriti principles and impacts on iwi/Māori groups is summarised in the options analysis and cost-benefit analysis provided for each topic. Further detail is included in a separate Treaty Impact Analysis document.

What options are being considered?

61. Options to amend the NES-CF are analysed in four parts:
 - a. Options for addressing issues with stringency regulations, analysed in two parts (options for regulation 6(1)(a) and regulation 6(4A));
 - b. Options for addressing issues with slash management regulations;
 - c. Options for addressing issues with afforestation and replanting plan requirements; and
 - d. Options for addressing minor text issues in the regulations.

Options for addressing issues with stringency regulations

Options for addressing issues with regulation 6(1)(a)

62. Options considered for addressing issues with regulation 6(1)(a) include:
 - Option 1: status quo (no change)
 - Option 2: repealing 6(1)(a)
 - Option 3: amending 6(1)(a) to be more specific about when councils can impose stricter rules than the NES-CF to address the risk of severe erosion from a commercial forestry activity (preferred option and notified proposal).
63. Options to amend regulation 6(1)(a) represent a trade-off between national consistency and allowing flexibility for councils to introduce specific rules that recognise locally specific conditions.

We considered options for addressing issues with stringency regulations that were not progressed

64. Options considered but not progressed, included:
 - a. repealing regulation 6(1)(a) entirely, but amending regulation 6(3) to include specific geologies that present a major risk factor for severe erosion in Gisborne and northern Hawkes Bay
 - b. explicitly carving out Gisborne as the only region allowed to make more stringent rules than the NES-CF in relation to regulation 6(1)(a)
 - c. removing regulation 6 in its entirety.
65. Option a. was not progressed because the specific geology in Gisborne and northern Hawke's Bay that contributes to high erosion risk is not the only factor contributing to very high erosion susceptibility, and the evidence base required to demonstrate a causal connection (over other geologies) was not practicable in the timeframes available.
66. Option b. was not progressed because it would not be sufficiently flexible for other regions that may require more stringent rules than the NES-CF to address erosion issues (for example, Marlborough or Tasman).
67. Option c. was not progressed for similar reasons, and because the matters in regulation 6 were included for specific reasons and should not be removed without careful analysis. Repealing regulation 6 would limit the ability of councils to manage environmental effects of commercial forestry where they have evidence that more stringent rules than those in the NES-CF are required to manage those effects.

Option 1: status quo (no change)

68. Option 1 would see no changes made to regulation 6(1)(a), retaining the status quo. At consultation, seven regional councils (out of a total of 16) were using, or intending to use regulation 6(1)(a) to introduce new rules into regional plans to give effect to the NPS-FM. Given that regional councils are not currently able to notify freshwater planning instruments (see paragraph 14), we are not expecting to see many proposals for the use of stringency in the short term. However, councils may apply for exemptions to the restriction so proposals are possible.
69. This option is not effective in achieving the objective of enabling primary sector growth because variable council plan rules increase uncertainty for foresters who require stable and predictable settings given forestry's long investment horizon. The regulation also lacks specificity, as evidenced by some councils proposing stricter rules than the NES-CF without clearly demonstrating how an NPS-FM objective will be met.
70. The broad scope of regulation 6(1)(a) means that forestry companies face uncertainty, as they can't predict when the provision will be used, resulting in additional costs from monitoring, engaging in, and (in some cases) challenging the plan-making process. This is an inefficient use of resources for the forestry sector, and for councils who face regulatory uncertainty in its application.
71. Our analysis suggests the time and resource requirements for this provision risk undermining the NES-CF objective to increase the efficiency and certainty of managing commercial forestry activities.

Option 2: repealing regulation 6(1)(a)

72. Option 2 is to repeal regulation 6(1)(a). For councils, this would mean they could no longer make more stringent rules to give effect to the NPS-FM objectives. While this would be relatively straightforward to implement, it would require councils that have made more stringent rules under this provision to repeal those changes.

73. For foresters, we would expect costs to be lower than the status quo, both from the avoided costs from plan-making (e.g. making submissions on proposed plan changes and potentially challenging these in court) and from operating under consistent NES-CF rules which provide certainty for forestry planners and operators.
74. However, repealing 6(1)(a) may result in poorer environmental outcomes than the status quo in some locations if NES-CF provisions are insufficient to manage the effects of forestry activities in particularly sensitive or unique local environments.
75. In summary, Option 2 may be effective in achieving the objective of enabling primary sector growth but may not be effective in achieving the objective of safeguarding the environment and human health, in locations where plan rules more stringent than the NES-CF are required to manage localised effects.

Option 3: amending regulation 6(1)(a) (preferred option and notified proposal)

76. The Government consulted on the intent of amending regulation 6(1)(a) to provide clearer and more specific criteria under which a council plan may include a rule that is more stringent than the NES-CF. Specifically:
 - a. if it is required to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property;
 - b. if the effect cannot be managed through the rules in the NES-CF; and
 - c. if there is an underlying risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a one square metre digital elevation model.
77. Submitters were divided on the proposal – broadly speaking, foresters were largely in favour, while most other submitters (notably councils) were opposed.²² These submitters raised concern that the proposed changes could reduce councils' ability to manage effects across a range of matters, including erosive soils, indigenous and exotic freshwater species, indigenous fauna, Māori sites of significance, Outstanding Natural Features and Landscapes, water quantity, setbacks and river crossings. Some of these matters are provided for in other stringency provisions (e.g. to make rules in relation to ONFLs) and others are out of scope of the regulations (e.g. water quantity).
78. The intent of Option 3 is that the scope of stringency is narrowed but is still available in circumstances where local conditions present high environmental risk. Following consultation, we have worked with technical experts on how to give effect to the intent of the proposal as notified, which has influenced what we are now recommending. Specifically, we are recommending amending regulation 6(1)(a) to provide for rules in a council plan to be more stringent than the NES-CF in the following circumstances:
 - a. the NES-CF does not manage the effects of a commercial forestry activity within a defined area identified as being susceptible to severe erosion²³

²² Some submitters supported the proposal to amend regulation 6(1)(a), including forestry industry and some iwi/Māori organisations, or support it in part, including forestry industry, councils and planning bodies. To increase certainty, submitters comments included requesting clarification of terms and highlighting the importance of all three criteria of the notified proposal being met. Most submitters – mostly councils, iwi/Māori organisations, environmental organisations and Tairāwhiti-based submitters - opposed this proposal.

²³ 'Severe erosion' will mean:

- a) soil slip, debris avalanche and debris flow with severe, very severe or extreme severity as defined in the Land Use Capability Survey Handbook 3rd edition; and
- b) gully erosion for the following erosion terrain types;

- b. the defined area must be identified in a plan mapped at a 1:10,000 scale or using a 1m² Digital Elevation Model; and
 - c. the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property.
79. Evidence that meets each of the elements of the amended provision will need to be provided during the plan change process.
80. Councils will no longer be able to introduce more stringent rules to give effect to NPS-FM objectives not clearly linked to forestry specific effects resulting from severe erosion. As with Option 2, councils with more stringent rules under the current provision would need to undertake a plan alignment process with the amended provision.
81. As with Option 2 (though to a lesser extent as this option will narrow the scope of regulation 6(1)(a) rather than repeal it), there is likely to be a reduction in costs to foresters both from the avoided costs from plan-making (e.g. making submissions on proposed plan changes) and from operating under consistent NES-CF rules.
82. The NES-CF will continue to manage the risks to freshwater from forestry activities, including erosion and sedimentation, as it was designed to do, with a consenting regime designed to give councils greater control where foresters cannot meet permitted activity standards or where risk is high.
83. Amending regulation 6(1)(a) is a trade-off between flexibility for councils, in choosing how they manage the environmental effects of forestry and meet the objectives of the NPS-FM and providing regulatory certainty for the sector, enabling primary sector growth and development.

Options for addressing issues with regulation 6(4A)

84. Options considered for addressing issues with regulation 6(4A) include:
- Option 1: status quo (no change)
 - Option 2: repealing 6(4A).

Option 1: status quo (no change)

85. Option 1 would see no changes made to regulation 6(4A), retaining the status quo. This would allow councils to make any rule in a plan more stringent or lenient than the afforestation section (subpart 1 of Part 2) of the regulations. It enables councils to make rules to control the location, species, consent status and operating rules for afforestation with commercial forestry in any area, using any criteria that fall within the purpose of the RMA. This provision has not been used to date, and in the short-term, given Plan Stop, we would not expect to see many proposals for its use before the NES-CF has transitioned into the new RM system.
86. That said, uncertainty is the biggest cost associated with regulation 6(4A) as it enables different afforestation rules between councils, which undermines the benefits of having nationally consistent rules for commercial forestry. It could also increase barriers to afforestation, which undermines investment confidence and options for the sector.
87. The benefit of regulation 6(4A) is that it provides broad scope for councils to address community preferences for afforestation for a wide variety of reasons. This increases local control over land use beyond the matters the NES-CF already controls as set out in

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- i. hilly steeplands developed on crushed argillite with severe gully-dominated erosion; or
 - ii. moderately steep to steep terrain on highly erodible crushed argillite, greywacke, sandstone, and mudstone with severe, large-scale gully erosion.

subpart 1 (wilding tree risk and control, significant natural areas, outstanding natural features and landscapes, visual amenity landscapes, and setbacks from waterbodies, roads and neighbouring properties).

Option 2: repealing regulation 6(4A) (preferred option and notified proposal)

88. Option 2 would repeal regulation 6(4A) in its entirety. The NES-CF was developed to permit afforestation where effects can be managed, except in specified areas such as Outstanding Natural Features and Landscapes, Significant Natural Areas, and in areas of very high erosion susceptibility (red zone). Councils may grant consent for afforestation in these areas but they have discretion. In addition, stringency can still be used under other parts of regulation 6, including for afforestation.
89. Some effects of afforestation are managed under other Acts (for example, pest management under the Biosecurity Act) or out of scope of the regulations (for example, water yield). If regulation 6(4A) is repealed, afforestation rules will continue to be controlled by existing regulations in the NES-CF.
90. Repealing 6(4A) increases investment certainty by reducing the ability for councils to introduce plan rules that create regional variance. It also reduces the complexity of the operating environment for foresters to comply with multiple sets of regulations, which was a key problem the NES-CF was developed to resolve.
91. Repealing regulation 6(4A) is expected to increase certainty for the forestry and farming sectors to enable them to consider investments in forestry with certainty as long as they meet the requirements of the NES-CF.
92. Most submitters opposed this proposal, with opposition primarily coming from councils, iwi/Māori organisation and ENGOs. We consider that the provisions of the NES-CF and other legislation²⁴ addresses the key issues identified by stakeholders (for example, concern about management of wilding conifers and wildfire risk, inadequate protection for sensitive or fragile ecosystems). In relation to concern over high rates of conversion of farmland to permanent exotic forests, the Government has amended the Climate Change Response Act to restrict the registration of post-1989 land in the Emissions Trading Scheme on LUC classes 1-6.

Assessment of options for addressing issues with stringency regulations

93. An assessment of options for addressing issues with both regulation 6(1)(a) and 6(4A) is provided in **Table 1** using the following key:

Key for assessment criteria in Table 1	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

²⁴ For example, the Fire Emergency New Zealand Act 2017, the Biosecurity Act 1993, the Heritage New Zealand Pouhere Taonga Act 2014 and Treaty settlement legislation.

Table 1 - How do the addressing issues with stringency regulations compare to the status quo/counterfactual?

Assessment criteria	Options for addressing issues with regulation 6(1)(a)			Options for addressing issues with regulation 6 (4A)	
	Option 1: status quo	Option 2: repeal regulation 6(1)(a)	Option 3: amend regulation 6(1)(a) (preferred option and notified proposal)	Option 1: status quo	Option 2: repealing regulation 6(4A) (preferred option and notified proposal)
Effectiveness	0	0 This option would mostly address the identified issues with regulation 6(1)(a), increasing certainty for the commercial forestry sector which would enable sector growth. However, we consider that this is balanced out by the risk this option does not provide adequate safeguards for the environment.	++ This option would effectively address identified issues with regulation 6(1)(a). The scope of stringency is narrowed, which would increase certainty for the sector, but is still available in circumstances where local conditions present high environmental risk.	0	++ This option effectively addresses identified issues with regulation 6(4A), reducing the ability for councils to introduce variable plan rules, which would increase sector investment certainty.
Efficiency	0	0 This option would achieve some of the policy objectives, and we would expect costs to be lower than the status quo – both from avoided costs from plan making (e.g. making submissions on proposed plan changes and potentially challenging these in court) and from operating under consistent NES-CF rules. However, we consider that this is balanced out by the option not providing flexibility for local circumstances to be adequately taken into account, which may result in poorer environmental outcomes.	+ This option is the best way to achieve the policy objectives, providing flexibility (albeit less flexibility than the status quo) for local circumstances to be adequately taken into account. As with Option 2 (though to a lesser extent as this option narrows the scope of regulation 6(1)(a) rather than repealing it), we expect that costs would be lower than the status quo.	0	++ This option is the best way to achieve the policy objectives – it simplifies the operating environment for commercial forestry and avoids potential future costs associated with variable plan rules.
Alignment	0	- Though this option complements other Government initiatives aimed at increasing efficiency and certainty for the primary sector,	+ This option complements other Government initiatives aimed at increasing efficiency and certainty for the primary sector.	0	++ This option complements other Government initiatives aimed at

		there is potential misalignment with NES-CF objective to maintain or improve the environmental outcomes associated with commercial forestry activities.	Though we think it aligns better (than the status quo) with the wider statutory framework, there is the potential for misalignment with the NPS-FM.		increasing efficiency and certainty for the commercial forestry sector.
Implementation	0	++ This option would be straightforward to implement. Councils could no longer make more stringent rules to give effect to NPS-FM objectives. Existing rules under regulation 6(1)(a) would need to be repealed.	+ There would be some initial work for some councils to align plan rules with the amended provision. Guidance will be required to ensure councils are clear about the intent and expectations of the amended provision. However, we still consider the implementation requirements for this option to be clearer than the status quo.	0	++ Straightforward to implement – to date, no council has notified new council plan rules under regulation 6(4A).
Treaty of Waitangi (More detailed analysis provided in separate Treaty Impact Analysis)	0	0 Overall, Māori with an interest in forestry (e.g. forest and land owners) would benefit from a reduction in costs associated with more stringent rules. However, there would be a reduction in opportunities to participate in and influence planning processes where they directly relate to the NPS-FM processes.	0 Overall, Māori with an interest in forestry (e.g. forest and land owners) would benefit from a reduction in costs associated with more stringent rules. Where severe erosion has significant effects on receiving environments, costs may remain but there would be increased clarity and certainty. This option would not change the mechanisms that provide for Treaty settlements or other arrangements in the planning process. Individual council agreement and/or requirements to notify relevant iwi/Māori groups will continue to apply. Amending 6(1)(a) would reduce the opportunity to participate in and influence planning processes where they directly relate to the NPS-FM processes but would retain a significant opportunity for involvement in addressing issues where the NES-CF does not manage the effects	0	0 Overall, Māori with an interest in forestry (e.g. forest and land owners) would benefit from a reduction in costs associated with more stringent rules. This option would not change the mechanisms that provide for Treaty settlements or other arrangements in the planning process. Individual council agreement and/or requirements to notify relevant iwi/Māori groups will continue to apply. Where such arrangements are not in place, the removal of regulation 6(4A) will reduce the opportunity to participate in and influence planning processes where commercial afforestation is a consideration

APPENDIX 4

			of severe erosion which has significant adverse effects on receiving environments.		(though this regulation has not been used).
Overall assessment	0	0	+	0	++

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

Preferred option for addressing issues with regulation 6(1)(a)

94. We recommend that Option 3 is progressed to amend NES-CF regulation 6(1)(a). It focuses the provision on a potential gap in management that, if identified with appropriate evidence, enables councils to introduce more stringent rules than the NES-CF with greater certainty on the intent of the provision and the evidence base required.
95. It is expected that some councils will need to use regulation 6(1)(a) to make more stringent rules than the NES-CF to manage localised issues. For example, Gisborne District Council have indicated an intention to amend their regional plan to manage the impacts of extreme weather events on highly erosion-prone land, which would use more stringent rules than those in the NES-CF and restrict commercial forestry activities (the plan change would also affect other land uses).
96. Gisborne has a high number of extreme weather events and, in general, forests provide a stabilising land cover to reduce erosion. However, forest land that is within the window of vulnerability following harvest is very vulnerable to shallow landslides. During Cyclones Hale and Gabrielle in early 2023, there was extensive slash mobilisation and sediment loss across commercial forests, farmland, and native forests. In addition, some areas of mid-growth forest were subject to slips causing whole trees to enter waterways.
97. These impacts were felt downstream, where large amounts of debris, slash and sediment accumulated on land and beaches, and damaged infrastructure such as roads and bridges. Investigations following the storms have identified some cases where regulations were not complied with but in many cases compliance with regulations and resource consents were insufficient to halt the damage caused by such significant rainfall events. The proposed plan change would encompass land use changes which would be difficult to achieve without the use of more stringent rules than the NES-CF, including the retirement of land that cannot sustain rotational forest harvest.

Preferred option for addressing issues with regulation 6(4A)

98. For regulation 6(4A), we recommend that Option 2 is progressed. This removes the ability for councils to introduce stricter rules than the NES-CF for broad reasons and provides investment certainty to the sector.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

99. The Minister's preferred options for how local authorities can introduce forestry rules more stringent than the NES-CF in the Cabinet paper are the same as the agency's preferred option in the RIS.

Table 2- What are the marginal costs and benefits of the preferred option for addressing options with stringency regulations in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option for addressing issues with regulation 6(1)(a) and regulation 6(4A) compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<i>No direct costs identified</i>		
Regulators (councils)	<ul style="list-style-type: none"> • Changes will reduce councils’ ability to introduce more stringent rules than the NES-CF. • There will be initial administration costs for some councils who need to align plans with the amended regulations. • Potential increase in costs for some councils to gather evidence for proposed plan changes under the amended regulation 6(1)(a). 	Medium	Medium
Central government	<ul style="list-style-type: none"> • Initial cost to develop guidance for (and oversee implementation of) the amended regulations. • Potential ongoing cost to monitor use of stringency. 	Low	Medium
Iwi/Māori <i>(More detailed analysis provided in separate Treaty Impact Analysis)</i>	<ul style="list-style-type: none"> • Reduction in opportunity to participate in and influence planning processes. 	Medium	Medium
Public	<ul style="list-style-type: none"> • May be a perception in some communities that local control has decreased and environmental safeguards have loosened. 	Medium	Medium
Total monetised costs	-	Not available	Not available
Non-monetised costs	-	Low - Medium	Medium
Additional benefits of the preferred option for addressing issues with regulation 6(1)(a) and regulation 6(4A) compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<ul style="list-style-type: none"> • Ongoing reduction in costs of participating and commenting on plan changes and make submissions. • Reduction in costs related to foregone investment opportunities, greater restrictions on land use and 	High	Medium

	increased requirements for operation.		
Regulators (councils)	<ul style="list-style-type: none"> • More clarity and certainty over the regulations. • Reduction in costs of plan making where stringency is no longer possible. 	Medium	Medium
Central government	<i>No direct benefits identified</i>		
Iwi/Māori (More detailed analysis provided in separate Treaty Impact Analysis)	<ul style="list-style-type: none"> • More clarity and certainty over the regulations. • Ongoing reduction in costs for Māori with an interest in forestry (forest and land owners) – see <i>Regulated groups</i>. 	Medium	Medium
Total monetised benefits	-	Not available	Not available
Non-monetised benefits	-	Medium - High	Medium

Options for addressing issues with slash management regulations

100. Three primary options have been considered for addressing issues with slash management regulations:

- Option 1: status quo (no change)
- Option 2: introducing a slash mobilisation risk assessment approach
- Option 3: amending the slash dimensions in regulations 69(5)-(7).

101. In designing options, we considered the balance between slash mobilisation risk and the potential effects of mobilisation, as well as the costs and safety considerations of retrieving and managing slash for foresters. We consider that all options carry a risk of harm that, if an event occurs, will be borne by landowners and communities (e.g. damage to land and infrastructure, health and safety issues, damage to waterways and beaches, and loss of amenity); others will be borne by the forestry sector (e.g. clean-up costs, enforcement action and prosecution, and loss of reputation, both in the area and nationally).

102. We also considered how these options could be practicably implemented by foresters and councils given the difficulties experienced by foresters and councils in implementing the current regulation. These include requirements for information, assessment, and documentation, as well as practical implementation during the harvest process, such as implementing mitigations, removing slash if required, and measuring residual slash.

103. An assessment of options is provided in Table 3 using the following key:

Key for assessment criteria in Table 3	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

We considered other options for addressing issues with slash management regulations that were not progressed

104. We did not consider the option of repealing in full the changes made to regulation 69(5)-(7) in 2023 because the new standard was developed to address a demonstrated problem of slash mobilisation and downstream harm in some places. Targeted engagement, including with the forestry industry, confirmed this – common feedback was that it is the scope and form of the current standard that is raising concerns around implementation and effectiveness.
105. We did not consider non-regulatory options as it is a regulation that is not working well, and, on balance, amending the regulation within an otherwise functional framework is more efficient than canvassing broader options. However, since the new slash regulations came into force in 2023, Te Uru Rākau – New Zealand Forest Service, has published a resource to improve understanding of the causes of slash risk, including the indicators of high risk land, and mitigation and management options.²⁵
106. We have not considered slash management regulations in other countries. Few countries' commercial forestry industries operate as New Zealand's does, with many countries managing their indigenous forests for timber, sometimes with quite different harvest regimes, and usually on less steep, erodible land (much of the land with high risk of slash mobilisation was planted to control erosion). For example, rules to manage slash in British Columbia include consideration of slash being deposited in waterways but also limit how much slash can be removed from cutovers and rivers because they seek to protect the soil resource and aquatic life respectively. While the experience of other countries is relevant to slash management in general, the New Zealand evidence of the causes of slash mobilisation means our focus is on the risks of slash where erosion is a major factor in mobilisation.
107. Other options were considered to address issues with slash management regulations in the NES-CF, but they were not progressed as options for consultation for the following reasons:
 - a. *Reduce the area of forest required to comply with regulation 69(5)-(7) by exempting certain land use capability units where landslide risk is low.* This option would reassess the land use capability units that make up the orange zone of the Erosion Susceptibility Classification (ESC),²⁶ to identify those with geologies that do not have high risk of shallow landslides and exempt them from the requirements of regulation 69(5)-(7). We did not pursue this option in this form because geology on its own is not the only risk for mobilisation, and it is not a predictor of downstream risk, so further risk assessment would be required to ensure sites are not over-, or under-risked. However, a common theme from targeted engagement was the importance of geology on mobilisation risk, and this has been taken through in the development of a slash mobilisation risk assessment.
 - b. *Require a slash risk assessment per Option 2 with requirements to remove differing amounts of slash depending on the level of risk.* This option would be complex and difficult to verify for both harvest planners and council compliance officers and could reduce certainty for both parties.

²⁵ 'Slash risk management handbook', June 2024, Te Uru Rākau – New Zealand Forest Service

²⁶ A land use capability (LUC) unit indicates an area of land (a polygon) with roughly consistent geology, soils and slope, and erosion forms and severity. The ESC is made up of LUC polygons which have been ranked according to erosion risk of Low (green), Moderate (yellow), High (orange) and Very High (red).

Option 1: status quo (no change)

108. Option 1 would see no further changes made to NES-CF regulations 69(5)-(7), retaining a prescriptive standard for slash removal (the status quo).
109. Though removing slash from the cutover will reduce the amount available for mobilisation if a slope fails under it, the risk of landslides and debris flows varies significantly according to the physical characteristics of the site, the way in which it is harvested, as well as weather conditions during the window of vulnerability. As a result, the size of any risk reduction can only be assessed on a site-by-site basis and the current regulations do not offer this flexibility. Additionally, overall risk reduction from removal will depend on where slash is placed and how secure it is against mobilisation and other risks, such as collapse and combustion.
110. We consider that the extent to which the status quo may maintain or improve environmental outcomes is outweighed by the inefficiency of blanket requirements, particularly when managing commercial forestry activities in areas where there is low risk of slash mobilisation. Foresters and councils have reported issues with implementing the regulations, including costs and technical difficulty with retrieving and storing material (foresters) and with measuring²⁷ residual slash for compliance purposes (councils), which would persist under the status quo.
111. The current regulations are causing inconsistent compliance efforts as some councils work with their sector to tailor compliance to their understanding of risk in their region, while others do not. Many forestry companies work across council boundaries and must comply with different council approaches to enforcing the same regulation, creating uncertainty for foresters.
112. Regulations 69(5)-(7) are a permitted activity condition for harvest, and a resource consent must be sought if they cannot be met. Councils can issue a consent enabling slash to be left on the cutover, but that is an expensive, time-consuming way to satisfy a regulation if the problem is the regulation being insufficiently targeted to risk and effects.
113. Based on feedback from forestry companies, we would expect retaining the regulation to result in most forest harvest in orange zone land requiring resource consents, principally to allow greater volumes of slash to be left on the cutover. The regulations are designed to enable forest harvest on orange zone land to be a permitted activity if conditions are met. If managing slash on orange zone land should require resource consent to tailor conditions, the regulations should reflect that. We do not consider this to be the case.

Insights from cost-benefit analysis of 2023 amendments and resource consents

114. The costs of the 2023 amendments were modelled using a number of assumptions. At that time, the initial cost to the industry of recovering material from the forest cutover was expected to be between \$175 and \$300 million per annum, declining as harvest volumes decline over the ensuing decade.²⁸ These have not been confirmed or contradicted through empirical national evidence. The costs of removing slash across all orange-zone land are difficult to quantify because harvesting occurs unevenly over long forest rotation cycles.

²⁷ Issues with measurement techniques include cost, timing, accuracy and enforcement uncertainty. These will remain an issue for any requirement to manage slash on the forest cutover through removal requirements, though measurement techniques are rapidly being trialled and the issue may be resolved in time.

²⁸ *The Economics of Slash Removal: Te Uru Rakau – New Zealand Forest Service draft cost-benefit analysis, 2023.*

115. Few resource consents were issued for slash management on the cutover following the 2023 slash amendments. We have heard (from foresters and councils) that this is due to councils being unsure of the conditions they would need to put in place. The first resource consent we are aware of was issued in late 2024, with more issued in 2025. A sample of consents was obtained to inform policy development (all from forests in the North Island). The following was noted:
- Costs vary considerably. One company submitted that regulations 69(5)-(7) have imposed per hectare consenting costs between \$4.50 and \$750, but the small number of consents and multiple variables mean these numbers are indicative only.
 - It is not always possible to disaggregate the slash-related costs because a number of consents were granted to manage other matters, such as earthworks on slopes greater than 25 degrees.
 - There is considerable variety in the size of forest covered by a consent. In general, the fixed cost component means that the per-hectare cost of a consent decreases as the size of a forest increases, meaning a resource consent is likely to represent a proportionally higher cost for a small forest than a large forest.
 - Some forestry companies report long delays and repeated discussions with consent staff who were unsure about appropriate conditions and often had limited understanding of site-specific risk. Foresters have also noted inconsistent information requirements across councils and differing approaches to monitoring. In one case, the consent for a site with negligible slash-mobilisation risk still required ongoing risk monitoring for up to 10 years.

Option 2: introduce a slash mobilisation risk assessment approach – (preferred option and notified proposal)

116. Option 2 will amend regulation 69 to require a slash mobilisation risk assessment (SMRA) to be completed at the time of forest harvest as part of the existing harvest management plan requirement.²⁹ Most submitters on the NES-CF amendments supported the proposal to introduce an SMRA, with multiple submitters (including councils and forestry companies) commenting that it improved on existing permitted activity requirements.
117. The SMRA requirement would apply to zones currently covered by regulation 69(5), that is, *orange zone land and red zone land that is not 8e where it involves no more than 2 hectares of harvesting in any 3-month period*. Consultation tested the idea of requiring a SMRA for green and yellow zone land. This was because the 1:50,000 scale of the ESC introduces the possibility that small pockets of higher risk land may be included in these units which becomes apparent when mapped at 1:10,000 scale (as required by the NES-CF for harvest planning). Submitters' views were mixed and there was no clear evidence of need, so we are not recommending such a requirement as this land is, by definition, lower-risk.³⁰ There is a balance between requiring an assessment where it is not needed and covering risk, and we acknowledge that there may be small pockets of higher risk land that the SMRA requirement will not apply to (these pockets will still be covered to existing regulations – discussed further below).
118. Slash mobilisation risk sits on a continuum – some risks can be readily mitigated or managed, while others require careful planning and execution. The purpose of the requirement to undertake an SMRA is to triage forest land about to be harvested for slash mobilisation risk:

²⁹ A harvest plan is a permitted activity condition for harvest (Section 66(7))

³⁰ Green zone is defined as having low erosion susceptibility and yellow zone land as having medium susceptibility.

- a. Where slash mobilisation risks are identified but do not meet the high-risk threshold (set by the SMRA), they still need to be managed. The requirement for additional management of cutover slash through existing regulations 69(1-4) and in harvest plans (Schedule 6(4)(4))³¹, which are a permitted activity condition for harvest, will apply. Harvest plans must “describe the management practices that will be used to avoid, remedy, or mitigate risks relating to slash”, which includes any risks identified on the cutover. The regulations require that any harvesting activities must be undertaken in accordance with the harvest plan.
 - b. On land that meets the high-risk threshold (set by the SMRA), a resource consent will be required to ensure transparent focus on risks and appropriate mitigations, both of which will vary. In some cases, moving slash from high-risk areas of the cutover may be required to reduce the risk of slash mobilising, but other mitigation options may be more appropriate (for example, changing harvest processes to reduce the quantities of slash generated using whole-tree harvesting if this is considered environmentally appropriate).
119. A SMRA requirement would apply across the harvest area, but it is likely that different areas of the cutover will have different levels of risk, as topography and proximity to neighbouring properties, waterways or other sensitive features such as significant natural areas will differ. The intention is that only those areas of the harvest site with slash mobilisation risk need to be managed, as most sites will have areas where slash will not mobilise. If slash mobilisation risk is high across the whole harvest area, it should be treated accordingly.
120. This option requires amendments to regulations 66, 69, and schedule 6 and the development of a SMRA template for incorporation by reference in the regulations. A draft SMRA template setting out a process to follow in assessing risk was tested as part of public consultation. We are developing the template further in light of feedback.
121. Producing an SMRA is a new cost on foresters, but we expect it will largely utilise sources of information that are commonly available to harvest planners. For sites that do not meet the high-risk threshold in the SMRA, this option will be significantly less costly than the status quo, which requires planning for and removal of, large quantities of forestry slash and/or seeking resource consent. Option 2 may enable larger volumes of material to be left on the cutover where it can be demonstrated that it is not at risk of mobilising. Where an area is assessed as having high-risk of slash mobilisation, a resource consent will be required, and the slash risk managed, potentially through removal from the cutover. For these areas, costs may not change significantly compared to the status quo, though the management options may increase, enabling foresters to choose the lowest cost option to manage the risk.
122. The cost and complexity of SMRA compliance may disproportionately impact small forest owners and some Māori foresters and landowners.
- a. Some smaller operators may be less familiar with (and lack dedicated resource for) risk assessment.
 - b. Māori land and forests are disproportionately in high-risk erosion zones³² and may therefore be more affected by this requirement.
123. It is anticipated that this option would target consents to high-risk areas, resulting in fewer resource consents overall which reduce the costs on councils relative to the status quo. This option will require council consent, and compliance and enforcement staff, to improve their understanding of slash risk and risk management. The provision of

³¹ <https://www.legislation.govt.nz/regulation/public/2017/0174/latest/LMS923858.html>

³² 65% of Māori land is on LUC 6 and 7 compared with 50% for general land.

guidance on the use of the SMRA, and the underlying risks, is important to improve processes, cost-reduction and outcomes for both councils and foresters (discussed further below).

124. This approach aligns with the national direction on managing natural hazard risk (the National Policy Statement for Natural Hazards was part of the first tranche of new and amended instruments under Phase Two RM reform) which takes a risk-based proportionate approach.³³
125. This option enables primary sector growth by reducing costs to councils and foresters from lesser requirements for sites at lower risk of slash mobilisation, while safeguarding the environment and human health by targeting slash management to those areas where mitigations are needed most, if implementation risks are managed.

Implementation risks and mitigations

126. This option has implementation risks, including:
 - a. The SMRA requirement relies on forestry companies self-assessing for risk. Some submitters, including councils, were concerned about the potential for risk assessments to be poorly done. Specifically, submitters raised concerns about the potential for misclassification of high slash mobilisation risk sites, potentially leading to uncertainty around compliance and enforcement challenges.
 - b. Councils will ultimately be responsible for compliance with the requirement but some may not have the depth of understanding of slash mobilisation risk required to assess the SMRA for quality and completeness or to issue consents for high-risk sites (for this an understanding of mitigation measures will be required). More generally, councils with poor forestry capability may find the transition to a risk-based approach (from a prescriptive standard) initially challenging.³⁴ This also means that issues with inconsistent compliance efforts across councils (see paragraph 111) may persist.
127. To address submitter concerns around self-assessment, we considered requiring the SMRA assessment to be carried out by a Suitably Qualified Person (SQP) with a mix of formal qualifications and experience. We did not progress this option as there was no clear set of auditable qualifications and experience that could be meaningfully applied, particularly as experience in one region may not prepare an SQP for another quite different region.
128. To mitigate the risks identified, we are working to:
 - a. Further develop the SMRA, ensuring that it is made up of readily understood and measurable risk criteria and thresholds to support forestry and councils in its successful implementation.
 - b. Develop comprehensive guidance on:
 - How to carry out an SMRA (forestry companies)
 - How to assess an SMRA for compliance (councils) – the SMRA will be part of the existing requirement for harvest management plans. Councils are able to request further information in management plans and charge to monitor implementation of the plan if they identify areas of concern. For example, if they consider that the company has inaccurately assessed a site as lower risk, they may choose to visit the site and use the full range of compliance tools available in the RMA.

³³ <https://environment.govt.nz/publications/national-policy-statement-for-natural-hazards/>

³⁴ This lack of forestry capability is a known problem in some regions and Te Uru Rākau – New Zealand Forest Service has been rolling out an education programme for council staff.

129. We acknowledge that there may be less certainty (than the status quo) that mitigation measures will be undertaken in areas where slash mobilisation risks are identified but do not meet the high-risk threshold in the SMRA. However, the initial risk criteria in the SMRA (erosion type and slope) are easily understood by councils through their existing erosion control work and areas where extra oversight is required can be targeted. Councils have access to management plans to triage location and compliance. Sites identified as lower risk will still be subject to existing regulations and associated compliance (as set out in paragraph 118a), so we consider that these risks are being managed.
130. The effectiveness of introducing an SMRA requirement, and in particular the extent to which it is effective at safeguarding the environment and human health, hinges on how well the risks identified are mitigated. Though there may be implementation challenges to overcome in the short term, we expect that this requirement will target slash management to where it is needed most and build sector and council capability in slash management over time, both of which will contribute to improving environmental outcomes from forestry activities.

Option 3: amend the slash dimensions in regulations 69(5)-(7)

131. We also sought feedback through public consultation on an option to increase the size/volume thresholds in the current regulations so that all slash that is sound wood greater than 3.1 metres long with a small end diameter (SED) of 10 cm must be removed from the forest cutover. A residual amount of 15 cubic metres of material of this size might be left on the cutover.
132. This option recognises the range of issues associated with the existing standard as set out in the problem definition. The proposed fragment size is the smallest pulp grade log across much of New Zealand. The option would reduce the cost of retrieval and reduce the amount of material to be managed on the landing and stored in a place where it will not mobilise. It would also address issues the sector faces with the suitability of retrieval equipment for smaller slash fragments and align the size dimension in the regulation to the smallest merchantable log size.
133. This option would be straightforward to implement as it would apply in the same way as the current standard, but with a reduced burden on foresters to plan for and remove large volumes of slash. It would reduce the number of consents required, which would reduce some of the current burden on the regulatory system.
134. The option would continue to manage some of the risk of slash mobilisation, while reducing the overly prescriptive regulation of sites which have low slash mobilisation risk. However, it is not known what effects this would have on mobilisation risk. Due to the different receiving environments into which slash may mobilise, building an evidence base of safe or appropriate size/volume thresholds would be extremely costly and complex.
135. Amending the slash standard dimensions will be partially effective in achieving the objective of enabling primary sector growth by providing certainty to the sector and to councils. However, this option may not be effective in achieving the objective of safeguarding the environment and human health because on high-risk sites it would allow an increased quantity to remain compared to the status quo. It will also continue to over-risk sites in the orange ESC zone where mobilisation risk is very low, and those forest owners will continue to face significant costs to remove material which has a very low risk of mobilising.
136. This option would not efficiently identify the risks on a given site, and therefore it will not be an efficient option.

137. Though some submitters saw a place in the regulations for a risk assessment as well as a permitted activity size/volume standard, multiple submitters commented that the SMRA (Option 2) approach improved on existing permitted activity requirements.

Table 3 - How do options for addressing issues with slash management regulations compare to the status quo/counterfactual?

Assessment criteria	Option 1: status quo	Option 2: introduce a slash mobilisation risk assessment approach (preferred option and notified proposal)	Option 3: amend the slash dimensions in regulations 69(5)-(7) (option also notified)
Effectiveness	0	<p style="text-align: center;">++</p> <p>This option effectively addresses the identified issues with slash management regulations on the cutover. It targets additional requirements to where they are most needed. This would remove a regulatory burden for the sector, enabling growth, while ensuring a focus on environmental outcomes associated with commercial forestry if implementation risks are managed.</p>	<p style="text-align: center;">+</p> <p>This option would address several of the identified issues with the current standard (e.g. aligning the size dimension in the regulation with the smallest merchantable log size). However, it would allow more slash to be left on high-risk sites than the status quo, reducing environmental safeguards, and the regulatory burden to remove slash from low-risk sites would remain.</p> <p>We consider that this option would still overall be an improvement on the status quo.</p>
Efficiency	0	<p style="text-align: center;">++</p> <p>This option is the best way to achieve the policy objectives, providing flexibility for local circumstances to be adequately taken into account. Overall, we would expect it to reduce costs to councils and foresters from reduced requirements for sites at low risk of slash mobilisation. Costs for slash management on high-risk sites will remain but with more mitigation options.</p>	<p style="text-align: center;">+</p> <p>Though it is a cost-effective improvement on the status quo, this option would not efficiently identify the risk of slash mobilisation, which is site-specific. This may impose costs on others.</p>
Alignment	0	<p style="text-align: center;">++</p> <p>This option complements other Government initiatives aimed at increasing efficiency and certainty for the primary sector.</p>	<p style="text-align: center;">+</p> <p>Though an improvement on the status quo, this option does not align as well as Option 2 with the NES-CFs objectives to improve environmental outcomes associated with commercial forestry activities and to increase the efficiency and certainty of managing commercial forestry activities.</p>
Implementation	0	<p style="text-align: center;">0</p> <p>There are some implementation risks that have been raised by stakeholders, such as the potential for misclassification of high-risk sites. Government will need to support foresters and councils and to comply with this option (e.g. through guidance). On balance, we think that this is about as clear about implementation requirements as the status quo.</p>	<p style="text-align: center;">++</p> <p>This option would be straightforward for the sector to comply with as a new standard would follow the same format at the current standard.</p>

<p>Treaty of Waitangi</p>	<p>0</p>	<p style="text-align: center;">++</p> <p>This option would be expected to improve on the status quo, helping to protect Māori land and communities from the downstream impacts of slash mobilisation. Costs to manage sites at high risk of slash mobilisation will remain, which may disproportionately affect Māori, as Māori land tends to be higher risk (a key concern for submitters).</p>	<p style="text-align: center;">0</p> <p>Though there may be some benefits for Māori foresters and landowners, this is balanced out by the option not providing adequate safeguards for Māori land and communities from downstream impacts of slash mobilisation.</p>
<p>Overall assessment</p>	<p>0</p>	<p style="text-align: center;">++</p>	<p style="text-align: center;">+</p>

Which option for addressing issues with slash management regulations in the NES-CF is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

138. Option 2 is likely to best address the problem, meet the policy objectives and deliver the highest net benefits: requiring an SMRA for forestry harvesting activities on high-risk land as part of the management plan process will enable more efficient identification of risks on a given site (including where consents are still required).
139. The harvest management plan already requires that environmental risks associated with the activity are identified and operational responses to those risks that avoid, remedy or mitigate the adverse effects of the activity on the environment are provided. Foresters are required to operate according to this plan. Adding a specific requirement to assess slash risk on the cutover in areas where the ESC identifies erosion risk as high is to focus greater attention in high-risk areas. This improves the efficiency of risk identification and management for this part of the harvest site.
140. Option 2 balances costs and benefits in the most effective way. It reduces costs for foresters by removing a blanket requirement to remove slash from all orange zone cutovers but still requires identification of areas which pose risk for downstream communities as well as action to avoid, remedy or mitigate that risk. The preferred option (2) is effective in meeting the desired objectives. Although it introduces a new process for foresters, slash management will be targeted to where it is needed most – overall, we consider that option 2 will reduce the regulatory burden (relative to the status quo) by reducing slash management requirements for foresters harvesting low-risk sites.
141. The potential variability of costs depending on site- and region-specific factors led us to examine potential differences in the slash options through a case study approach. The limited findings of the cost-benefit-analysis we commissioned (see paragraph 59) suggest that option 2 (introducing an SMRA) provided the highest net benefit compared to the status quo for two of the three sites, while option 3 (amending the slash dimensions) provided a lower cost to the forester for one forest but may increase risk to society.
142. This option requires additional risk assessment work by the harvest planner but will remove the need to plan for removing material that is low-risk, including finding options for managing and storing material brought to the landing. It will reduce crowding of the landing with machines processing material that poses little mobilisation risk.
143. Further development of an SMRA template is required for incorporation by reference in the regulations. The template will set out the risk criteria and thresholds that determine whether an area of proposed forest harvest will fall into a low or high-risk category. MPI would need to provide guidance on the implementation of this option for both councils and foresters, which will help to mitigate implementation risks.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

144. The Minister's preferred option for addressing issues with slash management regulations in the NES-CF in the Cabinet paper are the same as the agency's preferred option in the RIS.

Table 4 - What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option for addressing issues with slash management regulations compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<ul style="list-style-type: none"> • Increase in effort for harvest planners to assess slash mobilisation risk. • Ongoing costs to manage slash in high-risk areas (but with more flexible options). • Foresters may incur greater costs where they lack the skills and expertise to carry out slash mobilisation risk assessments. 	Medium	Medium
Regulators (councils)	<ul style="list-style-type: none"> • Ongoing cost to build understanding of slash mobilisation risk and mitigations for the purpose of enforcement and issuing consents. Councils with existing capability are likely to welcome changes to slash regulations; others may find a risk-based approach challenging. 	Medium	Medium
Central government	<ul style="list-style-type: none"> • Initial cost to develop the slash mobilisation risk assessment template (and guidance) and oversee its implementation. 	Medium	Medium
Iwi/Māori (More detailed analysis provided in separate Treaty Impact Analysis)	<ul style="list-style-type: none"> • Costs to manage sites at high risk of slash mobilisation will remain, which may disproportionately affect Māori, as Māori land tends to be higher risk. 	Medium	Medium
Public	<i>No direct costs identified</i>		
Total monetised costs	-	Not available	Not available

Non-monetised costs	-	Medium	Medium
Additional benefits of the preferred option for addressing issues with slash management regulations compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<ul style="list-style-type: none"> • Foresters will have a tool to efficiently identify sites at high-risk sites that require greater management (and possibly resource consent). • Slash management required for low-risk sites will be reduced, reducing costs and increasing operational certainty. 	High	Medium
Regulators	<ul style="list-style-type: none"> • Reduced effort enforcing a prescriptive standard for slash and writing consents. 	High	Medium
Iwi/Māori (More detailed analysis provided in separate Treaty Impact Analysis)	<ul style="list-style-type: none"> • We expect that overall (costs considered), changes will benefit Māori with an interest in forestry (forest and land owners) – see <i>Regulated groups</i>. • Ongoing benefits in increased protection for Māori land, communities and values from the downstream impacts of slash mobilisation. 	High	Medium
Public	<ul style="list-style-type: none"> • More effective slash mobilisation risk assessment and management will benefit communities downstream of forestry activities. • This is expected to grow public confidence in the forestry sector and the national regulations. 	High	Medium
Total monetised benefits	-	Not available	Not available
Non-monetised benefits	-	High	Medium

Options for addressing duplicative afforestation and replanting planning requirements

145. Three primary options have been considered for addressing duplicative afforestation and replanting planning requirements:

- a. Option 1: status quo (no change)
- b. Option 2: remove requirements for both afforestation and replanting plans

- c. Option 3: retain a requirement for streamlined afforestation plans and remove the requirement for replanting plans.

146. An assessment of options is provided in **Table 5** using the following key:

Key for assessment criteria in Table 5	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

Option 1: status quo (no change)

147. Option 1 would retain the requirement for afforestation and replanting plans regulation 10A and 77A, respectively) with existing requirements for these plans in Schedule 3.
148. Additional requirements for management plans for afforestation and replanting activities were introduced in 2023 to manage environmental (biophysical) effects for afforestation and replanting activities. Previously, afforestation and replanting activities did not require management plans to demonstrate compliance with permitted activity standards, though they did have notice and some documentation requirements. Foresters are required to prepare the plans. Councils have the option of requesting them - our understanding is that few councils are requesting afforestation and replanting plans.
149. It is not clear:
- what regulatory purpose the afforestation and replanting plans serve (as set out in the problem definition), or
 - what actions councils should take in their compliance and enforcement role if they are not satisfied that a plan contains the information required (though the management plan does not change the obligation for a forester to comply with all permitted activity standards for afforestation and replanting).

Option 2: remove requirements for both afforestation and replanting plans (notified proposal)

150. The Government consulted on:
- repealing regulation 10A, which requires an afforestation plan
 - repealing regulation 77A, which requires a replanting plan
 - repealing Schedule 3, which sets out requirements for these plans.
151. Most submitters, including most councils, opposed the proposal to remove afforestation and replanting plans³⁵. These submitters were concerned that the plans play a role in:
- compliance, monitoring and enforcement
 - managing potential environmental or cultural risks
 - mitigating poor site selection for forests and providing for future land use issues.
152. Many of these reasons are provided for in the existing structure of the NES-CF (or are out of the scope of the regulations). This option would not reduce the requirements to

³⁵ Across councils, there was strong, consistent opposition to the proposed removal of afforestation and replanting management plan requirements under the NES-CF. Councils argued these plans are not redundant and that their removal would significantly undermine compliance, environmental protection, and long-term forestry planning. They view these plans as essential tools for: proactive risk management, environmental protection, compliance monitoring, cultural and heritage site protection, species oversight (including managing wilding pine spread) and long-term planning certainty.

manage environmental effects of afforestation and replanting as these are addressed elsewhere in the NES-CF, such as through notice requirements, restrictions on afforestation, permitted activity conditions, and matters of discretion where resource consent is required.

153. Issues relating to the environmental impacts of afforestation and replanting (e.g. wilding conifer risk, shading and the need for setbacks from waterways) are managed through standards at afforestation and replanting. The additional requirements to submit afforestation and replanting management plans duplicates the requirements in the NES-CF.
154. The new standards (set out in Schedule 3) require considerable documentation but do not manage additional environmental effects, nor provide additional powers to councils to do anything with the information beyond what was previously required through notice. Additionally, we understand that few councils were requesting these plans.
155. Removing the requirement for afforestation and replanting plans is more effective and efficient than the status quo as it reduces documentation that serves no clear regulatory purpose. In practice, large forestry companies will plan for afforestation and replanting (regardless of there being a legal requirement), while smaller foresters are less likely to do so.

Option 3: retain a requirement for streamlined afforestation plans and remove the requirement for replanting plans (preferred option)

156. Option 3 would remove the requirement for replanting plans but retain a requirement for afforestation plans (regulation 10A), removing matters from Schedule 3 requirements that are not considered useful information for councils at the time of planting (for example, the future effects discussed in Option 2) or are not required to give effect to a standard in Subpart 1.
157. Several submitters supported the proposals to remove replanting plans (largely forestry sector submitters) as they said most councils do not ask for them and/or use them if they do ask for them. They considered this was wasted administrative effort, and that it had proportionally high costs for small forest owners. However, most of these submitters were open to maintaining the requirement for afforestation plans, saying some councils have indicated they derive value from some elements of the afforestation plans. In particular, ensuring setbacks are correctly sited and identifying potential issues associated with planting in unsuitable locations.
158. We agree with submitters, that there is benefit in retaining the requirement for afforestation plans where they provide greater certainty that the forester is complying with afforestation requirements. For example, property details and mapping requirements for setbacks.
159. This option would remove the requirement for replanting plans (regulation 10A) to reflect the existing use rights³⁶ that landowners have to replant their forests. Existing documentation requirements for replanting still apply (for example, wilding tree risk calculator and setback requirements).
160. This will reduce the paperwork requirement for afforestation plans by about half compared with the status quo.

³⁶ Section 10 of the RMA

Table 5 - How do the NES-CF options for addressing duplicative afforestation and replanting planning requirements compare to the status quo/counterfactual?

Assessment criteria	Option 1: Status quo	Option 2: Remove requirements for both afforestation and replanting plans (notified proposal)	Option 3: Retain a requirement for streamlined afforestation plans and remove the requirement for replanting plans (preferred option)
Effectiveness	0	<p style="text-align: center;">+</p> <p>This option would mostly address the identified issues with afforestation and replanting plan requirements and increase the efficiency of managing commercial forestry activities, enabling growth. Though, overall, we consider this would be an improvement on the status quo, submitters told us that some afforestation planning requirements provide greater certainty that foresters are complying with the regulations, so removing requirements completely may remove a useful check for safeguarding the environment.</p>	<p style="text-align: center;">++</p> <p>This option would effectively address the identified issues with afforestation and replanting plan requirements. It would increase efficiency (through streamlined requirements), while retaining the requirement for information that is both useful for councils to request and foresters to provide, providing effective safeguards for the environment.</p>
Efficiency	0	<p style="text-align: center;">+</p> <p>Though this option is a cost-effective improvement on the status quo, it does not provide the flexibility of Option 3 for councils to continue requesting information where it gives them greater certainty around sector compliance with the regulations.</p>	<p style="text-align: center;">++</p> <p>Though this option is not as cost-effective Option 2, it reduces costs relative to the status quo (reducing paperwork requirements by approximately half) and is the best way of meeting the policy objectives.</p>
Alignment	0	<p style="text-align: center;">+</p> <p>This option aligns better than the status quo with other Government initiatives aimed at increasing efficiency and certainty for the primary sector, though this option may provide less certainty than Option 3, as it would remove what we understand is a useful compliance check.</p>	<p style="text-align: center;">++</p> <p>This option complements other Government initiatives aimed at increasing efficiency and certainty for the primary sector.</p>
Implementation	0	<p style="text-align: center;">++</p> <p>This option would be most straightforward to implement as it would remove existing requirements for afforestation and replanting plans.</p>	<p style="text-align: center;">+</p> <p>This option will be straightforward to implement (a reduction in what's currently required), however government will need to develop guidance for complying with streamlined requirements.</p>
Treaty of Waitangi	0	<p style="text-align: center;">+</p>	<p style="text-align: center;">+</p>

		<p>We would expect these changes to overall benefit Māori with an interest in forestry (forest and landowners) through reduced regulatory requirements.</p> <p>However, this option may not provide the same level of certainty as Option 3 over sector compliance with the regulations and associated impacts on Māori land, communities and values.</p>	<p>We would expect these changes to overall benefit Māori with an interest in forestry (forest and landowners) through reduced regulatory requirements.</p> <p>This option would provide greater certainty than Option 2 over sector compliance with the regulations and associated impacts on Māori land, communities and values.</p>
Overall assessment	0	+	++

Which option for addressing duplicative afforestation and replanting planning requirements is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

161. We consider that the best option for addressing duplicative afforestation and replanting planning requirements is Option 3, which will:
- a. retain the requirement for afforestation plans where they provide greater certainty that the forester is complying with afforestation requirements, while removing requirements for detail that is neither useful for foresters to provide or councils to request when a forest is planted; and
 - b. remove the requirement for replanting planning to reflect the existing use rights that landowners have to replant their forests
162. We consider that Option 3 effectively reduces duplicative requirements while retaining a requirement for useful information.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

163. The Minister's preferred option for addressing duplicative afforestation and replanting planning requirements in the Cabinet paper are the same as the agency's preferred option in the RIS.

Table 6 - What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option for addressing issues with afforestation and replanting plan requirements compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<i>No direct costs identified</i>		
Regulators (councils)	<ul style="list-style-type: none"> • Councils will no longer be able to request replanting plans from regulated groups. • Councils will be able to request afforestation plans, but the information they can request as part of these plans will be more limited 	Low	Medium
Central government	<i>No direct costs identified</i>		
Iwi/Māori	<i>No direct costs identified</i>		
Public	<i>No direct costs identified</i>		
Total monetised costs	-	Not available	Not available
Non-monetised costs	-	Low	Medium
Additional benefits of the preferred option for addressing issues with afforestation and replanting plan requirements compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<ul style="list-style-type: none"> • Reduction in costs associated with providing replanting plans. • Reduction in costs associated with preparing afforestation plans as requirements will be streamlined. 	Low - Medium	Medium
Regulators	<ul style="list-style-type: none"> • Reduction in costs associated with requesting and processing afforestation and replanting plans for some councils. 	Low	Medium
Iwi/Māori	<ul style="list-style-type: none"> • Ongoing reduction in costs for Māori with an interest in forestry (forest and land owners) – see <i>Regulated groups</i>. 	Low - Medium	Medium

Public	<i>No direct benefits identified</i>		
Total monetised benefits	-	Not available	Not available
Non-monetised benefits	-	Low - Medium	Medium

Options to address minor text issues in the regulations

164. There are three matters requiring amendment to increase efficiency and certainty in the NES-CF:
- removing the requirement to identify ‘woody debris’ in schedules 3, 4, 5 and 6;
 - minor wording changes to wilding conifer standards 11(4)(b) and 79(5)(b) which have unclear intent; and
 - regulation 71A(b) includes the word “not” in error.
165. These proposed changes are expected to increase efficiency because they either reduce regulated parties’ requirements for unnecessary paperwork, or the proposals clarify the regulations and increase certainty. This improves regulatory efficiency with no additional costs, other than communicating these amendments to users of the regulation.
166. We have not identified any alignment issues with other national direction instruments. Moreover, the proposed changes will increase clarity for users of the regulations (both foresters and councils) over the matters that are controlled under the NES-CF.
167. Most submitters supported the proposed minor text amendments during public consultation.
168. A high-level assessment of the options is provided in **Table 7** using the following key:

Key for assessment criteria in Table 7	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

Removing the requirement to identify ‘woody debris’

169. The first proposal removes the requirement to identify ‘woody debris’ in schedules 3, 4, 5 and 6. The term ‘woody debris’ is not defined and appears nowhere else in the regulations – there is no regulatory power or standard related to the term, making its use confusing for both foresters and councils.
170. Adding the requirement to identify risks from ‘woody debris’ was intended to manage risks to downstream environments, potentially from fallen or ‘windthrown’ trees that occur outside the harvest activity. Though this material may create risks for downstream environments (we had feedback through consultation that it does), addressing those risks requires specific analysis which has not been undertaken. The term was not defined when introduced, and no analysis was undertaken on how introducing it would better manage risks associated with ‘woody debris’.
171. Some stakeholders recommended that we define the term ‘woody debris’ in the NES-CF. This poses challenges because, in a general sense, ‘woody debris’ includes material not from commercial forestry activities (e.g. a broken or fallen tree). In addition, analysis of what a definition could include led to duplications with existing definitions (e.g. ‘slash’, which is defined in the regulations).

172. Removing the term ‘woody debris’ from the regulations will reduce the confusion and uncertainty over regulatory requirements for councils and foresters, without reducing the intent of the standards to manage slash and sediment.
173. As a separate issue (one that is out of scope of the current changes), consideration could be given in the future to determining the size of the issue and whether a regulatory solution through the NES-CF is appropriate, or whether it should remain out of scope of the regulations, which allows councils to introduce rules to manage it. This would require further information, analysis and engagement.

Minor wording changes to wilding conifer standards

174. The second proposal inserts a minor wording change to wilding conifer standards 11(4)(b) and 79(5)(b). The purpose of the change is to give effect to the original intent of specifying exactly what documentation in relation to wilding tree risk calculations is required to be provided to councils.
175. The proposal to amend regulations 11(4)(b) and 79(5)(b) seeks to reduce extraneous wording and link the required activity to the notice requirement:
- a. Regulation 11(4): The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10:
 - i. (a) the score required under subclause (1) and the calculations that were used to calculate the final wilding tree risk calculator score and supporting evidence for each calculation.
 - b. Regulation 79(5): The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 78A:
 - ii. (a) the score required under subclause (1) and the calculations that were used to calculate the final wilding tree risk calculator score and supporting evidence for each calculation.
176. Clarifying the wilding conifer regulations 11(4)(b) and 79(5)(b) will make the intent clear and implementation easier for both foresters and councils.
177. We considered making no change to the regulations and relying on guidance to clarify our intent but considered the change easy to make and beneficial for the avoidance of doubt.

Correct an error in regulation 71A

178. The final proposal corrects an error in regulation 71A for the permitted activity status of low intensity harvesting by removing the word ‘not’. The wording of 71A was contrary to what was intended. Correcting the error clarifies and reduces confusion. We did not consider any other options.

Table 7 - How do the options to address minor text issues in the NES-CF compared to the status quo/counterfactual

Assessment criteria	Status quo	Removing the requirement to identify 'woody debris'	Minor wording changes to wilding conifer standards	Correct an error in regulation 71A
Effectiveness	0	++	++	++
Efficiency	0	++	++	++
Alignment	0	++	++	++
Implementation	0	++	++	++
Treaty of Waitangi	0	0	0	0
Overall assessment	0	++	++	++

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

179. Making the three minor text amendments will best meet the policy objectives and deliver the highest net benefits.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

180. The Minister's preferred option for addressing minor text issues in the NES-CF in the Cabinet paper are the same as the agency's preferred option in the RIS.

Table 8 - What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option for addressing minor text issues compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	<i>No direct costs identified</i>		
Regulators (councils)			
Central government			
Iwi/Māori			
Public			
Total monetised costs	-	-	-
Non-monetised costs	-	-	-

Additional benefits of the preferred option for addressing minor text issues compared to taking no action			
Regulated groups (forest owners, harvest planners, consenting staff, harvest contractors)	More clarity over the regulations.	Low	Medium
Regulators (councils)	More clarity over the regulations.	Low	Medium
Central government	More clarity over the regulations.	Low	Medium
Iwi/Māori	More clarity over the regulations.	Low	Medium
Public	More clarity over the regulations.	Low	Medium
Total monetised benefits	-	Not available	Not available
Non-monetised benefits	-	Low	Medium

Section 3: Delivering an option

How will the proposal be implemented?

181. The amended NES-CF will take immediate effect from its commencement date, 28 days after gazettal. This means that:
- The NES-CF will continue to replace equivalent district plan or regional plan rules, unless the district/regional plan has rules that are more stringent than the NES-CF, which continue to be provided for by regulation 6.
 - Councils must amend district plans if a rule duplicates or conflicts with a provision in the NES-CF, without following the standard Schedule 1 plan change process “as soon as practicable”. This will apply to rules no longer enabled through regulation 6.
 - The NES-CF must be considered for all applicable resource consent applications, alongside all other relevant matters for consideration (RMA s104).
182. In effect, this means that resource users will be able to operate within the amended NES-CF permitted activity rules, and consenting regime, from the commencement date. Rules in district and regional plans that address effects other than those the NES-CF addresses will still apply to commercial forestry activities.
183. MfE will communicate these changes to the public, iwi, hapū and Māori, and councils through formal channels, such as press releases and speeches, and informal channels such as emails from MfE and MPI to key partners and stakeholders. MfE and MPI will support implementation of the amended NES-CF by publishing guidance documents and may provide additional support based on stakeholder feedback. For example:
- MPI guidance will be required to ensure councils are clear about the intent of the amended regulation 6(1)(a), the type of evidence expected to demonstrate why more stringent rules are required, and the expectations for mapping affected land.
 - MPI will develop a slash mobilisation risk assessment template and guidance to enable compliance.
 - MPI will develop guidance to clarify compliance with reduced requirements for afforestation plans.
 - Transitional arrangements for forestry activities planned/initiated before the amendments come into force.

184. Councils will continue to be responsible for any changes to their plans and how this may affect plan users in their community.
185. We will continue to assess how the amended NES-CF may be transitioned into the new planning and environmental management system as the development of the new system progresses.

How will the proposal be monitored, evaluated, and reviewed?

186. MfE is responsible for monitoring and supporting the implementation of national direction instruments and reviewing their effectiveness under the RMA. Information on plan changes, consents and compliance and enforcement, is collected through MfE's national monitoring system (NMS). This information should provide useful insights on the implementation of the amended NES-CF.
187. Through the transition to the new planning and environmental management system, the extent to which the NES-CF is effective (and could be improved) and interacts with other national instruments, will be a key consideration when developing national direction instruments.

Specific considerations for making more stringent rules

188. Making new rules that are more stringent rules than the NES-CF under regulation 6 requires a council plan change. The process for a council plan change is set out in the RMA, which includes requirements for a robust evidence base, public consultation and in consultation with the Minister for the Environment and other Ministers of the Crown who may be affected by the plan.
189. Where the Minister for the Environment has a concern about any proposed use of the amended regulation the Minister has the option to take further steps by exercising ministerial powers, as appropriate to the situation. Where the Minister of Forestry has a concern, this can be raised with the Minister for the Environment.
190. The new planning and environmental management system will have its own processes for the use of rules relating to national direction, including ministerial responsibilities.