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Gisborne District Council – Te Kaunihera o Te Tairāwhiti Submission on National Direction – Package 2: Primary sector

Gisborne District Council (Council) thanks the Ministry for the opportunity to provide feedback on *Package 2: Primary Sector*. This submission reflects the expertise of Council staff, the views of elected members, and the lived experiences of communities across Te Tairāwhiti.

We support the Government's aim to strengthen national direction for the primary sector in ways that support rural productivity and environmental outcomes. Effective, clear regulation is essential to ensure climate resilience, water quality, and sustainable land use in our region.

However, Council is concerned that the proposed changes may undermine these outcomes—particularly in areas with steep, erosion-prone land, fragmented tenure, and high reliance on forestry. Weakening controls on afforestation, harvesting, replanting, and slash management risks increasing environmental harm and exposing communities to greater risk.

We note the Minister's recent LGNZ 2025 speech, which called for a resource management system that ends tinkering, streamlines regulation, enables growth, and protects both people and the environment. We welcome this direction—so long as reforms genuinely improve resilience and environmental performance. As currently drafted, the amendments fall short of these objectives and risk undermining the broader resource management reform programme.

We are aware of, and support submissions made by mana whenua in our region on this Package.

This submission includes:

- An overview of Gisborne District Council and Te Tairāwhiti.
- Council's submission on proposed NES-CF amendments
- Comments on other national direction instruments.
- Our responses to the Ministry's online questions (attached as Appendix 1).

Nāku Noa nā,

Nedine Thatcher Swann
Chief Executive

Executive summary

Council opposes the proposed amendments to the **National Environmental Standards for Commercial Forestry (NES-CF)**, given the significant risks to our vulnerable landscapes, communities, and infrastructure. Our region has the highest proportion of severely erodible land in the North Island and continues to experience damaging impacts from poor forestry practices, most recently during Cyclones Hale and Gabrielle.

To align with the Government's growth-enabling and efficiency-focused agenda—without jeopardising regional resilience—we urge:

- **Retention of existing Regulation 6(1)(a)** to enable more stringent provisions in support of freshwater management – expressed in the NPS-FM framework or its successor.
- **Amendment of proposed Regulation 6(1)** to require a more practical, context-sensitive threshold for councils to act.
- **Retention of Regulation 6(4A)** and reinserting provisions for mandatory, expert-reviewed afforestation plans.
- **Replacement of the permitted slash assessment** with enforceable, best-practice, expert-reviewed standards.
- **Alignment of the NES-CF with the MILU Inquiry findings**, including addressing cumulative impacts and ensuring regional discretion where required. We also advocate for closer alignment across government portfolios, particularly Environment, Forestry, and Climate Change, to ensure national policy settings do not undermine one another or regional resilience.

The proposals are inconsistent with the findings of the **Ministerial Inquiry into Land Use**, the Government's coalition commitments, and the original objectives of the NES-CF. They also fail to reflect the cumulative impacts of policy drivers such as ETS incentives pushing afforestation into unsuitable hill country.

In response to other elements of Package 2:

- **NES-Marine Aquaculture:** Supportive if iwi rights, environmental sustainability, and local capacity are adequately provided for.
- **NZ Coastal Policy Statement:** Concerned that changes weaken coastal protections and reduce clarity.
- **Highly Productive Land (NPS-HPL):** Oppose removing Class 3 soils from protection; support region-specific identification and mapping.
- **Quarrying and Mining:** Support clearer national direction, provided wetland protections remain strong.
- **Stock Exclusion:** Caution against removing national protections without robust regional provisions in place.

The government's reform agenda emphasises cutting red tape, accelerating consent processes, and embedding a "yes culture" in our planning system. But if that "yes" comes at the cost of exposing communities to environmental and infrastructure harm, the public backlash and economic fallout would be swift as we have seen here post Gabrielle and other events. We're asking for a balanced approach: one that enables economic prosperity in the right places, with appropriate local safeguards—letting councils be enablers, not bystanders. We would like national direction amendments that recognise regional realities, support locally led solutions and deliver better outcomes for both the environment and the economy.

1. Overview of Gisborne District Council and Te Tairāwhiti

- 1.1. Our Council is the unitary authority for the Te Tairāwhiti region, covering 8,265 square kilometres. Approximately 28% of the region (228,000 hectares) is whenua Māori, reflecting a deep, enduring connection between mana whenua and the land. Our region's 270-kilometre coastline supports ecologically significant ecosystems and is vital to both customary and commercial uses. Our economy is powered by the primary sector - horticulture, agriculture, fishing, and forestry. While these sectors sustain jobs and exports, they must also operate within strong environmental limits to protect vulnerable landscapes.
- 1.2. 56% of our communities are of Māori descent—the highest proportion of any region in Aotearoa. We have four treaty settlements in our rohe (Ngāti Porou, Ngāi Tāmanuhiri, Iwi and Hapū of Te Rohe o Te Wairoa, and Rongowhakaata), with other mana whenua including Te Whānau a Apanui, Te Whānau a Kai, Ngā Ariki Kaipūtahi, and Te Aitanga-a-Māhaki currently in negotiation.
- 1.3. We have around 69 hapū that are active in environmental decision-making and community development across their rohe. The Crown and Council have legal obligations to hapū in part of our rohe under Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 in relation to the *“legal expression, protection, and recognition of the continued exercise of mana by ngā hapū o Ngāti Porou in relation to ngā rohe moana o ngā hapū o Ngāti Porou”*.
- 1.4. Our rural economy remains relatively small in national terms, contributing around \$2.8 billion in GDP, but it is disproportionately reliant on the primary sector. Agriculture, forestry, and fishing combined account for 17% of regional GDP. Our farmers and growers help feed communities across Aotearoa as well as the world.
- 1.5. Despite recent growth, Te Tairāwhiti continues to experience structural inequities. GDP per capita was \$51,880 in 2024 - 37% below the national average. Income per capita remains 10–20% lower than national levels, and the region's unemployment rate has consistently exceeded the national average by 0.9 to 3.9 percentage points over the past two decades. These conditions contribute to higher levels of deprivation, which are compounded by increased exposure to natural hazards and climate risks.
- 1.6. Forestry presents both opportunity and challenge. The region holds some 160,000 hectares of exotic plantation forest - mostly radiata pine. Log exports through Eastland Port were valued at \$391 million in 2023, accounting for around 8.5% of national wood exports by value. Yet the growth of the sector has brought sharp environmental consequences, particularly in erosion-prone hill country where poorly managed forestry operations have contributed to slash mobilising during major storm events. The financial costs of these events, in clean-up, infrastructure damage, and lost productivity, are substantial and recurrent.
- 1.7. Realising the aspirations of mana whenua and the wider community is incredibly important to us. We must enable economic growth, including through sustainable primary production, while addressing inequity, building resilience, and protecting taonga. National direction should empower local authorities to manage risk in ways that reflect regional realities and aspirations. For Te Tairāwhiti, this means enabling development while retaining discretion to apply more stringent rules where needed, protecting vulnerable landscapes and communities, and upholding Te Tiriti o Waitangi in all planning and environmental decisions.

2. Gisborne District Council submission on Proposed Amendments to the National Environmental Standards for Commercial Forestry (NES-CF)

Why we care deeply about the proposed changes

- 2.1. We have suffered severe, ongoing impacts as the result of a legacy of poor decisions relating to commercial forestry afforestation in the 1980s and poor harvesting practices over the last 10 years. Council is concerned that the proposed changes to the NES-CF will further complicate and dilute an already complex, weak regulatory regime.¹
- 2.2. While commercial forestry brings financial benefits to the region, there have been significant environmental costs. Since Cyclone Gabrielle, Gisborne ratepayers have spent more than \$1.2 million removing woody debris from two of Gisborne's beaches. Combined central government funding (from MPI, DIA, MFA etc.) toward woody debris and silt removal in Te Tairāwhiti since May 2023 is between NZ\$53–63 million. Some of the Gisborne region's public roading bridges that were destroyed by large woody debris from commercial forests that was mobilised during Cyclone Gabrielle in 2023 have yet to be replaced.
- 2.3. Te Tairāwhiti contains the highest proportion of severely erodible land in the North Island — 25% of the island's most erosion-prone soils are found here - on 8% of the land area. The combination of steep hill country, tectonically active geology, soft sedimentary soils, and exposure to extreme weather events has created a landscape highly susceptible to mass movement, sediment loss, and catastrophic debris flows.
- 2.4. The impacts of poorly managed forestry harvest activities on our vulnerable slopes, particularly slash mobilisation and sediment discharge, has caused, and is causing, severe damage to key infrastructure, private property, communities, and ecosystems. These vulnerabilities are not hypothetical. They have occurred repeatedly in the form of devastating storm events, including Cyclone Bola (1988), Cyclone Cook (2017), and most recently, Cyclones Hale and Gabrielle (2023).
- 2.5. Despite this, non-compliance and poor harvest practices in our region persist. Council has documented:
 - inadequate forestry infrastructure design (including roading and skid sites) causing water channelling and erosion
 - debris damming leading to bank erosion and biodiversity loss
 - logs perched at landings migrating downslope into waterways, and
 - poor harvest planning, vague mitigation measures, and insufficient assessments of effects in consent applications.
- 2.6. The NES-CF (and its previous iterations) fails to provide the regulatory framework needed to adequately manage the significant risks of commercial forestry harvesting in Te Tairāwhiti. Council voiced its concerns about the proposed NES-PF in August 2015. At the time, we were concerned that the NES-PF would lower environmental standards. Ten years on, this prediction has unfortunately proved correct. The further changes that are currently proposed to the NES-CF will further exacerbate this trend.
- 2.7. We want to acknowledge that some companies in our region are showing leadership through innovation and better planning. However, systemic change remains elusive. Even where best practice is being followed, there is land in Te Tairāwhiti that simply

¹ See the comments of Judge Kirkpatrick regarding issues with the enforceability of the NES-CF in *Turkington v Manawatu-Whanganui Regional Council* [2024] NZDC 12781 at [107] – [109].

should not be in commercial forestry. Without strong, clear and enforceable national and regional standards, there is a significant risk that our communities will continue to be personally impacted, live in communities that experience significant adverse environmental impacts of commercial forestry and bear the cost of addressing those impacts.

2.8. Forestry remains an important part of our region's future — but it must operate within clear environmental and social boundaries, and it must be on the right land. For our communities to have confidence in forestry going forward we need to address:

- **How we are planting and harvesting:** Forestry in Te Tairāwhiti occupies some of the most challenging hill country in New Zealand. Best practice in forestry management needs to be mandatory, not optional, to avoid the same effects seen in recent years.
- **How we think about long-term prosperity:** Forestry needs to preserve both the receiving environment and the soil resource to avoid economically disadvantaging future generations.
- **The need to transition away from our most vulnerable land:** We must recognise that some parts of our region are too vulnerable to sustain commercial forestry tree species such as *pinus radiata*. To provide land stability these areas need to be transitioned into permanent vegetation cover.

The proposed NES-CF amendments don't enable us to resolve regional challenges

2.9. The objectives of the NES-CF are two-fold:

- Maintain or improve the environmental outcomes associated with commercial forestry activities; and
- Increase the efficiency and certainty of managing commercial forestry activities.

2.10. The proposed amendments to the NES-CF fail to meet its stated objectives. Instead, the focus appears to have shifted from these clear objectives to prioritising 'economic enablement', potentially at their expense. In particular, the proposals not only fail to uphold the first objective of *maintaining or improving environmental outcomes* from commercial forestry, but are likely to actively undermine it. The amendments also risk reducing certainty and efficiency in managing commercial forestry by introducing unclear and ambiguous provisions that are open to interpretation and may result in poor outcomes

2.11. The current NES-CF framework is already proving ineffective and, in many cases, unenforceable. It has also not delivered on its purpose of providing "*a nationally consistent set of regulations to manage the environmental effects of plantation forestry activities undertaken in New Zealand's 1.7 million hectares of plantation forest*".²

2.12. Council is concerned that the proposed amendments further prioritise sector efficiency and economic certainty over environmental protection and community safety. They reduce regulatory checks, limit local discretion, and weaken Council's ability to respond to known, well-documented risks in our region.

2.13. Despite the accompanying Regulatory Impact Statement acknowledging our unique challenges, the proposed changes further limit Council's ability to regulate forestry to address these challenges. They do not address the findings of the Ministerial Inquiry into

² Forestry Minister Shane Jones in Beehive press release, 1 May 2018.

Land Use (MILU)³ or support long-term efforts to reduce risk and build resilience in Te Tairāwhiti. Our region faces risks and challenges with forestry slash, erosion-prone terrain, and the cumulative impacts for catchments of poor harvesting practices. There is no compelling evidence that the changes will enable better alignment between land use and land capability. Finding 1 concluded:⁴

The Panel found that lives and livelihoods were put at risk. People were isolated, and suffered trauma to their social, emotional and mental health. Woody debris and sediment caused destructive debris flows and resulted in widespread damage to properties, infrastructure and ecosystems. These symptoms of failure, weaponised by cyclonic winds and weather bombs, have created an emergency and require urgent clean-up action.

- 2.14. In a region where commercial forestry failures have repeatedly impacted on land, waterways, and livelihoods, it is unclear how these changes will support the sector to improve its environmental performance or move toward a more sustainable future for our region.

Misalignment with Original NES-CF Objectives and the Coalition Agreement

- 2.15. The Coalition Agreement between the National Party and the New Zealand First Party contains the following specific action under 'Primary Sector':

Amend the National Environmental Standards for Plantation Forestry (NES-PF) regulations to place a duty upon harvesters to contain and remove post-harvest slash.

- 2.16. The proposed amendments to the NES-CF are inconsistent with this Coalition Agreement commitment. Council urges that any national amendments be aligned with this commitment and must retain (or enhance) the ability of councils to require effective slash containment and removal in high-risk areas.

The Government's ETS policy initiatives are driving afforestation on to unsuitable land in Te Tairāwhiti – is that what we want?

- 2.17. There is no recognition in the Regulatory Impact Statement (RIS) of broader government initiatives that will push afforestation into high risk (red zone) unsuitable land use classes (LUCs). The Climate Change Response (Emissions Trading Scheme – Forestry Conversion) Amendment Bill proposes to restrict the entry of exotic forest intended for permanent carbon forestry into the ETS on more productive land (LUC classes 1–6). These restrictions may create incentives that shift exotic carbon forestry onto less productive and more erosion-prone land classes.
- 2.18. The unintended consequences of that Bill have already been identified in the submission by the Parliamentary Commissioner for the Environment.⁵ As noted by the Parliamentary Commissioner, that policy will not meaningfully alter forestry activity – 'It will just move it around the landscape' and 'Broadly speaking this Bill is likely to drive afforestation on land classed as LUC 7 & 8. This land is generally less suitable for commercial production forestry. ... If passed into law, this Bill – as well as the lack of

³ Outrage to Optimism (May 2023).

⁴ Outrage to Optimism (May 2023), page 10.

⁵ PCE Submission on the Climate Change Response (Emissions Trading Scheme – Forestry Conversion) Amendment Bill dated 7 June 2025.

regulation of permanent forests more broadly – will contribute to a liability left to future generations to solve’.

- 2.19. Council is extremely concerned about the lack of cohesion, integration and/or recognition between ETS drivers, such as the above Bill, which will inevitably result in afforestation on more risky land classes, with the proposed amendments to the NES-CF which would restrict the ability of Council to control afforestation on inappropriate land within Te Tairāwhiti.

Lack of independent Cost Benefit Analysis in the RIS

- 2.20. The RIS does not quantify the potential costs to communities, the environment, or human life. No cost-benefit analysis has been provided alongside the RIS, which instead notes that an independent analysis has been commissioned and "is expected to help ensure the costs and benefits are more comprehensive."
- 2.21. Without this analysis as part of the consultation material, submitters are unable to meaningfully assess or comment on the appropriateness of the proposed amendments. If such an analysis ultimately fails to account for significant social, environmental, and human costs, the regulatory framework will not achieve its intended purpose. Council considers the omission of this information to significantly undermine the credibility of the proposed direction.

Increased burden on councils and communities and lack of evidential basis for proposed amendments

- 2.22. The proposed changes to the NES-CF will create increased complexity, cost and risk for councils and communities, while simultaneously lowering the regulatory bar and potentially introducing further uncertainty for forestry operators. The mixed signalling and lack of clear direction created by the standards has, and will continue, to create significant conflict between Council and a \$6 billion dollar industry seeking to maintain the status quo in a region that carries significant and widespread risk.
- 2.23. In the absence of strengthened, clear and enforceable NES-CF provisions, local councils are left to bear the operational, reputational, and community-facing burden of forestry impacts on the environment, without the regulatory tools necessary to prevent, control or reduce these impacts. This includes unfunded mandates such as spatial mapping, downstream infrastructure repair, and enforcement of unenforceable rules, all borne by small, under-resourced councils like ours.
- 2.24. There is no clear evidential basis for the proposed amendments. The Regulatory Impact Statement refers only vaguely to "issues with how the stringency regulations are being used," but provides no concrete examples or analysis to substantiate this claim. We acknowledge that there remains a pathway for stringency and on the face of it appears to go some way to providing a viable pathway for our region to have more stringent rules as appropriate. But the wording is complicated and unnecessarily duplicates (and significantly extends) pre-existing s32 analysis requirements and undermines Council-led initiatives aimed at robust plan-making. The difference between the evidence that will be required to pass the regulatory hurdle in Regulation 6(1)(a) and the evidence required for a robust s32 evaluation is unclear. If this wording remains, then comprehensive guidance on this matter is required.
- 2.25. MPI's supporting documentation confirms that Regulation 6(4A), which relates to afforestation, has not yet been used. Despite this, the proposed amendments seek to repeal recently introduced provisions—implemented only in late 2023—based solely on

a perceived concern from forestry companies that councils *might* introduce rules that *could* lead to regional variation and *might* create uncertainty.

Impact on our regional plan change

- 2.26. Council is halfway through the development of a plan change dealing with afforestation and forestry harvesting in high-risk areas. Finalising Council's draft was put on hold while NES-CF amendments were being developed, due to the understanding that the proposed changes would not restrict the ability for Council to adequately deal with this significant issue in our region.
- 2.27. It is therefore disappointing to see that based on the information available in the RIS, the proposed amendments appear to be in response to 'perceived' issues by forestry operators. We are finding it difficult to understand the clear evidential basis, how the changes achieve the objectives of the NES-CF, or why it will become more inflexible and difficult to develop more regionally appropriate robust provisions to address the significant issues faced here in Te Tairāwhiti.
- 2.28. With these changes now released, Council would need to modify the scope of its plan change to adapt to the proposed mapping requirement. This pushes out the timeframe for its work programme and creates a reputational risk with many in our community who expected a firm and timely response to the management of forestry activities within the specific context of significant damage already suffered in Te Tairāwhiti in early 2023.
- 2.29. The proposed amendments will stymie any meaningful discussion between councils, the community and forestry about the appropriate location for further afforestation within its region, particularly on high risk, vulnerable slopes.
- 2.30. Recent Government intentions to stop councils from progressing plan changes adds more uncertainty to our work programme.
- 2.31. Te Tairāwhiti is not like other regions. Science and case law demonstrates this clearly. We must not be treated as such. The issues suffered by the region are well documented and need to be addressed as quickly as possible.

Analysis of proposed NES-CF amendments, implications, relief sought

Cutover definition

- 2.32. This definition relates to the slash removal requirements in the current regulations. The proposed change excludes the area of land between the harvested area and land covered by the 5% AEP event.
- 2.33. The proposed definition only relates to the area harvested and links to the new slash requirements and slash mobilisation risk assessment.
- 2.34. If any slash has mobilised downslope between the "harvested area" and area covered by the 5% AEP event, it may not be caught by the permitted activity standard proposed to require removal of slash or be covered by the consent required (if not removed) on high-risk sites. Further, where the slash mobilisation risk assessment requires mitigation measures to manage risk, this area may not be covered.

Relief sought:

Council seeks clarification of the management of risk in this area. Any slash created on the harvested area that migrates outside of that area must still be accounted for and managed.

Regulation 6(1) relationship between rules and NES-CF regulations

- 2.35. The proposed changes to regulation 6(1)(a) seek to clarify the conditions under which a rule that is more stringent than the NES-CF can be included in a council plan. Specifically, if:
- a. it is required to manage the risk of severe erosion from commercial forestry activity in a defined area that would have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure and property
 - b. the risk cannot be managed through the current rules in the NES-CF
 - c. an underlying risk has been identified within the defined area through mapping at a 1:10,000 scale or using a 1m² Digital Elevation Model.
- 2.36. While the NES-CF amendments continue to provide a pathway for councils to manage adverse effects in areas with significant erosion risk and land instability, the current drafting doesn't adequately support us to take an integrated approach to addressing other issues faced in our region. The provisions refer to the need to manage the 'risk of severe erosion' from commercial forestry activities. We suggest the focus should be on soil loss and the mobilisation of sediment, slash, and woody debris into waterways, as these are the main environmental impacts of commercial forestry requiring management.
- 2.37. The proposed reg 6(1)(a) does not contemplate the need for more stringent provisions for the purpose of soil conservation in situ. These are matters that must be given particular regard, in accordance with RMA s.7(b), 7(f) and 7(g).
- 2.38. Proposed reg 6(1)(a) refers to both severe erosion and significant adverse effects. This makes for an unnecessarily high bar. If there is significant effect, why must it be from severe erosion and not just from erosion or other activities such as slash management? If there is a risk of severe erosion, why must it also have significant adverse effect on receiving environments, and not on the donor environment, such as loss of soil/productive land as a finite resource? The provisions should be amended to either remove the reference to 'severe erosion' so that the provision relates to risks from commercial forestry that will have significant effects, or separate the regulation out into two subsections, i.e., 'the risk of severe erosion', and separately 'the risk of significant adverse effects...'
- 2.39. In this region severe erosion can result over time from less significant erosion, such as from desiccation that exposes vulnerable land to erosion. Under the proposed changes to Regulation 6(1)(a) can the compounding effects of small erosion events be considered severe erosion? Equally, can the cumulative effects of smaller, more numerous events be considered significant?
- 2.40. The proposal also ignores the reality that national ESC mapping is too coarse (1:50,000) to accurately reflect risk at an operational scale⁶. This places the evidential burden on councils to address the deficiency of the ESC. This is unreasonable and costly for councils to implement and undermines the remaining provisions in the NES-CF which are based on the ESC mapping.

⁶ Issues relating to the use of current LUC database and mapping at that scale has also been raised in the submission by the Parliamentary Commissioner for the Environment in relation to the proposed amendments to the ETS Forestry Conversion Bill.

- 2.41. Proposed amendments to Regulation 6(1) place unnecessary restrictions and burden of proof on councils to prove the deficiencies in the current NES-CF before a plan change can even be considered to address significant, pre-existing issues within a vulnerable region. The wording is unnecessarily lengthy, complicated and invites legal dispute (and consequentially litigation) between parties.
- 2.42. The proposed stringency tests require evidence that duplicates existing Resource Management Act 1991 (RMA) section 32(4) requirements for councils to justify increased stringency for any proposed rules. Specifically:
- If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- 2.43. The proposals require evidence of severe erosion, defined areas, and significant adverse effect, along with evidence that the effect can't be managed through the NES-CF, **before** more stringent provisions can be included in a council plan.
- 2.44. The proposal undermines rules in the Tairāwhiti Resource Management Plan which have existed since freshwater provisions were notified in 2015 and are relied upon to manage localised erosion and adverse effects on waterways. Under the proposed changes, it is unclear whether any of the pre-existing rules could remain and/or could be rolled over through a plan review or would need to be removed.
- 2.45. Council has submitted that more stringent provisions should be enabled where they give effect to NPS-FM objectives. That is, the existing reg 6(1)(a) should be retained. Outside of this provision, Council supports that more stringent provisions in council plans should be enabled where there is robust evidence and defined areas of risk. Proposed reg. 6(1)(c) is therefore supported as proposed, with the qualification below.
- 2.46. Council is concerned that the reference in proposed reg. 6(1)(a) to a 'defined area' might later be given interpretation in the NES-CF or elsewhere that puts further constraints on stringency, without further opportunity to submit. The proposal should clearly refer to a 'spatially defined area' rather than an area defined by interpretation, to allow that more stringent regulation may be made wherever the thresholds of evidenced need and robust mapping of risk are met.
- 2.47. The proposed amendments to 6(1)(a) are ambiguous and double up with proposed s.6(1)(c) to some extent. Why do both sub-regulations refer to risk and defined areas, since both have to be satisfied in any case? Risk is appropriately addressed in proposed 6(1)(a), but it also refers to defined areas. Proposed 6(1)(c) should clearly refer to spatial identification at an adequate scale, but it also refers to underlying risk. These should be separated for clarity.

Relief sought:

Council strongly recommends:

1. **retaining** the existing regulation 6(1)(a) and
2. **supplementing** existing reg. 6(1)(a) with amended versions of the proposed changes to reg. 6(1), so that:

- proposed reg. 6(1) enables more stringent rules if required to manage significant adverse effects on soil conservation.
 - proposed reg. 6(1)(a)-(c) stringency provisions clearly apply to policy and regulation as a method, not to each subsequent rule implementing the regulation method.
 - proposed reg. 6(1)(a) either removes the reference to 'severe erosion' so that the provision relates to risks from commercial forestry that will have significant effects, or is separated into two subsections, one addressing 'the risk of severe erosion', and the other addressing 'the risk of significant adverse effects...'
 - proposed reg. 6(1) references to 'a defined area' are amended to refer to a 'spatially defined area' rather than an area defined by interpretation in the NES-CF or elsewhere.
3. **amending** the proposal to improve clarity, so that:
- proposed 6(1) regulations are renumbered as 6(1)(a) through (d) as a consequence of reinstating existing reg.6(1)(a)
 - proposed 6(1)(a) addresses risk and not area definition, and proposed reg. 6(1)(c) addresses area definition and not risk.
 - Proposed reg. 6(1)(c) enables the use of mapping that is more detailed than 1:10,000 scale.

Reg 6(4A) Afforestation

- 2.48. Council opposes the repeal of Regulation 6(4A). This provision has only been in place since the end of 2023 and has not been used as the basis for any plan changes. Yet as confirmed in the RIS, its proposed deletion is based solely on speculative concerns, without evidential support.
- 2.49. Council urges caution, drawing on past experience: mass afforestation on erosion-prone land following Cyclone Bola (1988–1992) has led to large-scale harvesting of same-age trees, with devastating consequences, starkly detailed in the MILU report.⁷ Te Tairāwhiti must be empowered to engage with communities and land managers on sustainable land use on vulnerable land, in order to move forward together.
- 2.50. If repealed, councils would be forced to rely on the restrictive gateway in Regulation 6(1)(a), requiring proof that rules are necessary to reduce severe erosion risk—placing an undue burden of evidence on councils before plan changes can even be considered. This is an unnecessary barrier to good resource management in the Te Tairāwhiti context, we all know the risks involved.
- 2.51. The MPI supplementary report suggests the NES-CF is sufficient to manage erosion risk, and points to the ability to refuse afforestation consents on red zone land and the extensive matters of discretion available for resource consents for all activities. In our region, individual consent decisions are an inefficient and an inadequate way to manage the risk and fails to acknowledge the region-wide cumulative risk of widespread afforestation on vulnerable land.
- 2.52. The NES-CF should enable councils to prepare plan changes to address these important issues, particularly as recent ETS Bill amendments will further encourage afforestation on highly vulnerable land (LUC classes 7–8), exacerbating existing risks.

Relief sought:

Council seeks that Regulation 6(4A) is retained in its current form.

⁷ *Outrage to Optimism* (May 2023).

Reg 10A Permitted activity conditions: afforestation management plan; Reg 77A permitted activity conditions: replanting management plan; Schedule 3 Afforestation and replanting plan specifications.

- 2.53. We oppose the repeal of Regulation 6 conditions and Schedule 3. The rationale—that these requirements duplicate existing rules and impose unnecessary costs—is unfounded. These plans are not duplicative; they are essential.
- 2.54. Afforestation and replanting plans ensure early identification of environmental risks, setbacks, and exclusions—particularly critical for Red Zone land, where harvesting is permitted as a controlled activity under the NES-CF. While impacts may not be immediate, planting is the key moment to prevent long-term harm and reduce future harvesting mitigation needs.
- 2.55. These plans also support compliance, allowing councils to verify that planting aligns with permitted activity conditions. This is central to Council's statutory duty to monitor and enforce the NES-CF.

Relief sought:

Council seeks that these provisions are retained in their current form.

Reg 11 Permitted activity conditions: wilding tree risk and control; Reg 79 Permitted activity conditions: wilding tree risk and control

- 2.56. Council considers there are negligible implications for the management of forestry in Te Tairāwhiti arising from this proposed change. This is a minor change to ensure that the assessment and calculations underpinning it are provided. The change is intended to improve clarity.

Reg 69(5)-(7) Permitted activity conditions: slash and debris management

- 2.57. Council supports tools or amendments to provisions that improve risk targeting and enforcement clarity. However, Regulation 69 is a permitted activity 'condition' which only applies when harvesting is being undertaken as a permitted activity under the NES-CF (subject to compliance with all relevant permitted activity conditions, including Regulation 69).
- 2.58. Therefore, it must be clear, enforceable and able to be easily determined on the face of the wording. It is poor practice, and poor drafting, to have permitted activity standards or conditions which require a value judgment or any element of discretion. All parties (i.e. those proposing to undertake harvesting as a permitted activity, the Council, and members of the community reading the provisions) should be able to understand clearly and simply whether an activity complies with the permitted activity status or not.
- 2.59. Assessing whether a permitted activity is compliant should not be reliant on a subjective assessment being undertaken by an unnamed person with no stated experience in understanding the methods of mobilisation of large woody debris. In short, the proposal is inappropriate as a permitted activity condition and should be deleted.
- 2.60. The proposed SMRA concept suffers from the following issues:

- The SMRA focuses only on likelihood of mobilisation, ignoring the severity of potential outcomes (e.g. damage to waterways, loss of bridges, flooding of homes, damage to water supply infrastructure). Consequences are important. For example, if low-probability but high-impact events are possible (e.g. public water pipes, bridges), permitted activity status should be disallowed.
 - Risk builds across a catchment over time, not just at a single site. The SMRA appears to be applied at the individual harvest block scale, which fails to capture the risk of cumulative slash buildup across connected catchments.
 - It is unclear who completes an SMRA. The current wording does not require the SMRA to be undertaken by qualified expert with an understanding of the mechanisms of mobilisation, or to be certified by a qualified expert. There is no ability within the provisions for council to provide comment, reject the SMRA or require additional information. Council notes that many existing forestry consent applications already contain inadequate information on slash volumes and risk mitigation measures. These applications often rely on general statements and vague checklists, reflecting a limited understanding among some forestry operators of the processes, risk factors, and potential consequences associated with slash mobilisation.
 - There is no clarity on thresholds that determine whether slash must be removed or what mitigation is required (e.g. traps, relocation, staging). Without this, SMRAs may be easily contested or inconsistently applied — creating further dispute, cost and uncertainties for forestry companies, the council and communities.
 - Allowing high-risk activities to proceed based on self-assessed SMRAs as permitted activities will lead to poor outcomes and reduced oversight. The inclination for some foresters to downplay the risks will compound the issue.
 - Only LIDAR should be used for slope risk indicators. Almost all councils have LIDAR and it is routinely used by forestry companies. Field measurements are insufficient to determine slope.
 - No event size is provided in relation to rainfall data.
- 2.61. The proposed provisions will be difficult, if not impossible, for councils to enforce. Difficulties in undertaking successful prosecutions under the current wording of the NES-CF (and other national environmental standards) have been highlighted by the courts.⁸ No consideration has been given to the enforceability of the provisions.
- 2.62. Slash can and does mobilise during regular rainfall events, not just landslides and severe rainfall event. In Te Tairāwhiti, slash has repeatedly overwhelmed rivers, destroyed homes, and blocked essential roads. The current prescriptive approach (Regs 69(5–7)) has prompted greater scrutiny of orange zone harvesting. These consents are often bundled with harvest applications, and Council to date has not seen an excessive influx of 'slash-only consents', on the basis that the permitted activity condition in Regulation 69 cannot be complied with. Again, the evidential basis for suggesting the proposed changes appears to be based on speculation and conjecture, rather than addressing a specific evidential problem with the current regulation.
- 2.63. The NZ First – National Coalition Agreement commitments on forestry slash are also quite clear. NZ First successfully pushed for an obligation in the NES-CF regulations that

requires forestry operators to manage and remove slash after harvesting. NZ First also committed to undertake a Select Committee Inquiry into the processing of forestry waste, including slash, aimed at promoting reuse—such as biofuels—thereby reducing environmental impacts. Council supports these commitments and is disappointed that the proposed amendments are inconsistent with those commitments.

Relief sought:

The existing rules for controlling slash resulting from commercial forestry activities should be improved, not weakened. The proposal is inappropriate as a permitted activity condition for the reasons set out above and should be deleted. The remaining provisions should remain which are clear, easy to understand and are simple to enforce.

The big picture – a pathway to resilient land use in Te Tairāwhiti

- 2.64. While this submission raises significant concerns about the adequacy of current and proposed national forestry regulations, Council is not opposed to commercial forestry or national direction. Rather, we are working toward a long-term, integrated land use transition that aligns economic opportunity with environmental resilience. This requires both stronger regulation and supportive non-regulatory measures. The pathway below outlines the regional leadership we are providing, and the partnerships and investment needed to deliver lasting change (refer to Figure 1 below). This is not just a vision, but a plan already underway.

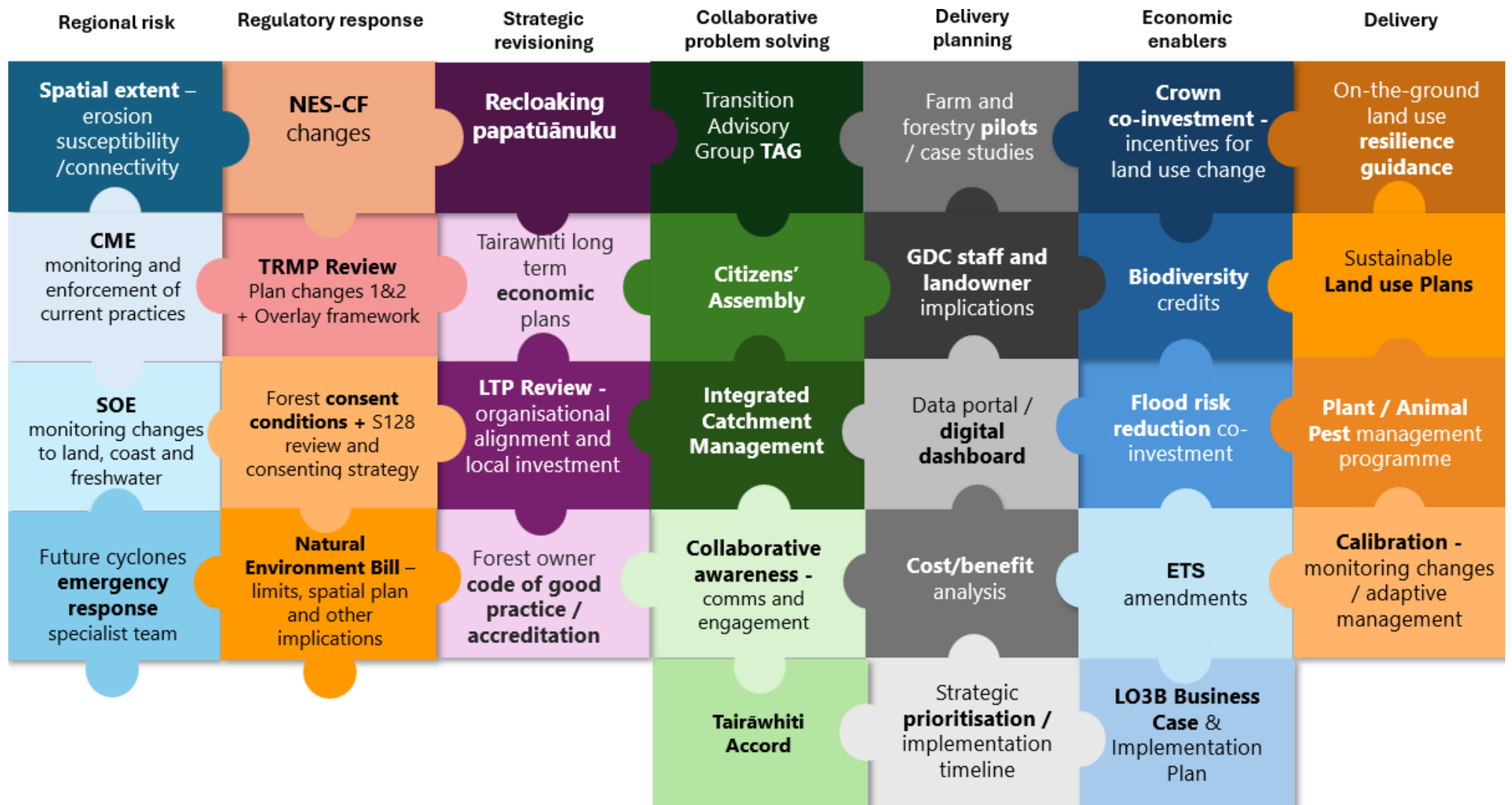


Figure 1: Strategic moves to achieving regional land use transformation

2.65. Several approaches must be explored in sequence to achieve our community's aspirations for improved outcomes for both the environment and the economy. Council recognises that both regulatory and non-regulatory responses are critical to achieving those outcomes. In terms of setting a pathway towards those outcomes, we see four broad phases:

Table 1: Pathway to achieving region-wide environmental and economic transformation

Phase 1: Reduce residual risk	
Goal	Deal with remaining land instability, discharges and flooding risk as a result of unsustainable land use practices.
Key moves	<ul style="list-style-type: none"> • Better alignment with primary industries • Use contractors to remove woody debris from high-risk locations within catchments • Develop spatial planning to understand the size, location, and resourcing requirements of the woody debris issue to reduce discharges • Maintain a strong and appropriate compliance, monitoring and enforcement response to unlawful discharges • Ongoing flood risk and mitigation work/investment • Provide support for catchment communities to position themselves to lead land use transition.
Phase 2: Update regulatory framework	
Goal	Recalibrate the Tairāwhiti Resource Management Plan to ensure environmental bottom lines protect and enhance the environment and communities.
Key moves	<ul style="list-style-type: none"> • Mountains to Sea and recognising the importance of our freshwater and coastal receiving environments drive our approach to land management • Catchment plans set the visions, values and environmental outcomes to be achieved through sustainable land use • Review land overlay framework to update the spatial identification of risk • Develop a Sustainable Land Use Plan / Freshwater Farm Plan framework to promote best practice sustainable land management and ensure erosion and land stability risks are identified and mitigated and the farm/forest level.

Phase 3: Delivery planning	
Goal	Develop a clear, simple and incentivised pathway for our communities to undertake systematic landscape change.
Key moves	<ul style="list-style-type: none"> • Use catchments as the delivery vehicle for landscape change, focusing on providing for agreed freshwater values and outcomes • Form a Transition Advisory Group to collaborate on planning and implementing transition of erosion-prone land into permanent vegetation cover • Sustainable Land Use Plans – collaborative discussion at site, undertake risk assessment, discuss mitigations for the identified risks, agree and sign off on appropriate mitigations • Aggregate property-scale info into digital catchment model • Model effects of mitigations on erosion, sediment loading, biodiversity, flooding etc. • Develop catchment implementation strategy with alignment across Council teams • Seek community, political and funding support for targeted catchment-based improvements • Use pilot projects to test the proposed delivery pathway, review and adjust via adaptive management to use as templates for other catchments • Support Research & Development to explore new technologies, land uses and economic opportunities
Phase 4: Delivery	
Goal	Implement the appropriate actions to achieve the targeted and agreed outcomes for land and freshwater at a catchment level.
Key moves	<ul style="list-style-type: none"> • Secure funding to enable and incentivise environmental protection and enhancement • Provide advice and support is provided to catchment and community groups to ensure there is alignment, priorities are being addressed, and with the right mitigations • Deliver catchment-wide actions • Ongoing monitoring to evaluate the effectiveness of delivery, outputs, and outcome(s) • Maintain an active compliance, monitoring and enforcement presence in working with the primary industries

- 2.66. Council considers this proposed pathway to be the appropriate way to develop a resilient land-use programme plan that can bring all elements into focus, with a view to moving coherently towards delivery across multiple fronts.
- 2.67. This work reflects our commitment to lead a nationally significant transformation — one that protects people and place, while enabling sustainable land-based economies for the future.
- 2.68. Council supports and welcomes national direction that could be recalibrated to actively support a more staged approach to resilient land-use and could include targeted exemptions for high-risk catchments, alignment of funding tools to incentivise transition, and the developing of standards for erosion-prone land.

3. General feedback on Package 2: Primary sector

- 3.1. While we acknowledge the intention to reduce regulatory barriers for rural development and primary production, we stress the need to balance economic enablement with robust environmental protections and Treaty obligations. Above all, we call for transparent justification and evidence for these national direction amendments, and for clear articulation of their intended outcomes.

National Environmental Standards for Marine Aquaculture (NES-MA)

- 3.2. Te Tairāwhiti has minimal marine aquaculture activity at present, with only a small number of resource consents and no large commercial ventures currently in place. However, Council recognises that iwi in the region hold significant and enduring rights and interests in the marine and coastal environment. These are formally recognised through customary marine title and protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011. Under the Nga Rohe Moana o Nga Hapu o Ngati Porou Act 2019 the rights and interests of Nga Hapu o Ngati Porou are recognised and specific obligations on the Crown and Council are in place regarding their rohe moana. This unique context must be provided for in all relevant planning, consenting, and monitoring processes.
- 3.3. The proposed changes to the NES-MA could play a role in enabling sustainable economic development, provided that appropriate mechanisms are in place to ensure that development is environmentally sustainable, culturally appropriate, and aligned with the aspirations of mana whenua.
- 3.4. While the immediate effects of the proposed changes may be limited in our region, the strategic implications may be more significant in terms of resourcing and capacity for consenting, monitoring of environmental effects, and engagement with mana whenua and affected communities.
- 3.5. Council supports efforts to streamline and improve the consistency of aquaculture regulation. However, we caution that implementation of the proposed changes must not pre-empt or override the unique regional context in Te Tairāwhiti. Investment in iwi capacity, coastal science, and Council capability will be essential to ensure that future development is appropriately planned, monitored, and consented.

New Zealand Coastal Policy Statement (NZCPS)

- 3.6. Council supports an enabling framework for priority activities, particularly where infrastructure is essential to protect communities and adapt to climate change impacts. Our natural assets and coastal character make Te Tairāwhiti uniquely investable and a great place to live. Unlocking coastal potential requires durable, regionally tailored decision-making that balance environmental protection, mana whenua aspirations, climate resilience, and investment certainty. To give effect to national direction, councils must retain the discretion to manage cumulative effects, safeguard areas of outstanding natural character, and ensure community aspirations and adaptation needs are embedded in long-term planning.
- 3.7. We support stronger integration of Te Tiriti o Waitangi and mana whenua perspectives in coastal management. In Te Tairāwhiti, the intersection of Māori land tenure, cultural values, and coastal hazards makes this essential.

National Policy Statement for Highly Productive Land (NPS-HPL)

- 3.8. Council strongly supports the protection of elite and highly productive soils, particularly on the Poverty Bay Flats. These soils underpin our regional economy, supporting orchards, market gardens, and vineyards. Class 3 soils—while sometimes requiring drainage—make up half the Poverty Bay Flats and are inseparable from Classes 1 and 2 in terms of the productivity of this important area. We oppose their removal from the scope of the NPS-HPL on this basis.
- 3.9. While Council recognises the need to accommodate urban growth, Gisborne's population growth is modest. Our priority is to avoid ad hoc urban sprawl and lifestyle development on productive land. The proposed narrowing of the NPS-HPL's application risks undermining its core objective of safeguarding New Zealand's food-growing capacity.
- 3.10. We are particularly concerned about the loss of Class 3 soils to lifestyle development. Unlike urban expansion, which is limited in our region, lifestyle blocks often introduce reverse sensitivity issues and remove land from commercial production. Hobby farming and non-commercial orcharding contribute little to the productive economy while permanently removing valuable land from its highest and best use lifting our nation's productivity and contributing to economic growth.
- 3.11. Council supports the introduction of Special Agricultural Areas (SAAs) in principle. This area contains a mosaic of Class 1–3 soils, often within the same property boundary. Recognising the Poverty Bay Flats as an SAA could be an appropriate way to maintain strong protections, especially if Class 3 soils are excluded from the broader NPS-HPL framework.
- 3.12. Further guidance is needed on the criteria and process for SAA identification, and how potential tensions between intensive horticultural use and freshwater objectives will be resolved within these areas.
- 3.13. Council opposes the removal of obligations for councils to identify and map highly productive land in Regional Policy Statements. Since the NPS-HPL was introduced, reliance on Landcare's LUC maps—while useful—has proven insufficient due to scale limitations and alleged inaccuracies. This has led to uncertainty, with developers and consultants routinely disputing land classification under Clause 3.10(1)(a), resulting in contest over assessments.
- 3.14. Clear, Council-led mapping is essential for consistent implementation and to give certainty to landowners, councils, and developers. Council has made significant progress on detailed land resource mapping since 2022 and sees this as a vital planning tool. We recommend retaining mapping requirements as currently written in the NPS-HPL as part of good spatial planning for now and the future.

Quarrying and Mining

- 3.15. Council supports the sustainable operation of quarrying activities in Te Tairāwhiti, which are essential for the supply of rock and aggregate to support regional infrastructure, including road construction. We welcome clearer national direction that enables the continued operation of local quarries, provided environmental effects—particularly on freshwater and wetlands—are appropriately managed.

- 3.16. With respect to the NES-FW, Council currently receives very few consent applications under Regulation 45A, so the proposed amendments are unlikely to materially change how quarrying activities are assessed in our region.
- 3.17. Council supports the inclusion of “operational need” alongside “functional need” in gateway tests. This change more accurately reflects the practical realities of quarrying and mining, where physical access, safety, and logistical considerations often determine site feasibility.
- 3.18. However, care must be taken to ensure the expanded gateway test does not dilute environmental safeguards—particularly for wetlands⁹. The term “operational need” should be clearly defined in national guidance to avoid inconsistent or overly permissive interpretation.
- 3.19. To support consistent implementation, updated national guidance should be provided for consent planners, particularly around interpreting and applying the amended gateway test during consent processing and enforcement. This will support a cost-effective and efficient rollout to support keeping consenting timeframes and costs reasonable.
- 3.20. Council also notes the potential for cumulative effects if the regulatory regime becomes more permissive—particularly where multiple small-scale wetland impacts across a catchment could lead to a significant overall loss in wetland extent or function. This underscores the need for regular monitoring and review of how the amended provisions are implemented in practice and their actual effects on freshwater ecosystems.
- 3.21. Council supports the proposed removal of the requirement for benefits to be solely public. In many cases, private developments—such as quarrying operations—deliver broader social and economic benefits to the community that warrant recognition under the gateway test.

Stock Exclusion Regulations

- 3.22. Given the prevalence of extensive grazing in our region, Council is concerned that the proposed changes do not provide stronger national direction on wetland protection and stock exclusion. This omission represents a missed opportunity to safeguard the region's remaining wetlands, many of which are either unmapped or poorly documented.
- 3.23. Regulation 17 currently provides a consistent national framework for protecting natural inland wetlands. Its proposed removal risks creating uneven protection across regions—particularly where freshwater provisions are still under development or where full implementation of the NPS-FM 2020 has not yet occurred. Without strong and consistent national direction, there is a real risk that some wetlands will receive inadequate protection. We are concerned that removing Regulation 17 could signal a deprioritisation of wetlands, undermining the objectives of the NPS-FM and potentially stalling restoration efforts at a time when councils are investing heavily in wetland mapping and integrated catchment planning.

⁹ Te Tairāwhiti has lost the vast majority of its wetlands—only 1.75% of pre-human wetland extent remains. They are not only ecological remnants but functional infrastructure that filter sediment and contaminants, regulate flow regimes, recharge aquifers, and reduce flood risk during heavy rainfall.

- 3.24. From a consenting perspective, removing Regulation 17 may have limited immediate effect unless councils introduce new plan rules (e.g. controlled, restricted discretionary, discretionary, or non-complying) specifically addressing stock access to wetlands. However, this places the onus on councils to proactively develop and implement these provisions.
- 3.25. Technical expertise is frequently required to:
- Determine whether an area meets the definition of a Natural Inland Wetland,
 - Assess whether the area serves as habitat for a threatened species.
- 3.26. If national regulations become more permissive, landowners may no longer be required to undertake such assessments, potentially reducing compliance certainty and ecological oversight.
- 3.27. While Regulation 16 may continue to offer some level of protection in specific contexts, its effectiveness will depend on the quality and completeness of regional and district plan provisions. Clear identification of wetlands within these plans could improve certainty—but this requires significant investment in technical mapping and refinement, given current wetland datasets are often inaccurate or incomplete.
- 3.28. One potential benefit of removing Regulation 17 is that disputes over wetland classification could decrease, with such matters instead being resolved through regional or district plan processes. However, this benefit must be weighed against the potential weakening of interim protections during the transition.

APPENDIX 1: RESPONSES TO PACKAGE 2 QUESTIONS

Part 2.2 NES for Commercial Forestry

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

No

Scope of stringency – alignment with NPS-FM

- The national ESC mapping (1:50,000 scale) is too coarse for operational use, placing an unreasonable burden on councils to produce finer-scale evidence.
- The new 6(1) should supplement the current provision for stringency in connection with the NPS-FM and NZCPS, not replace it.

Scope of stringency – Soil retention

- The focus on “severe erosion” is too narrow. The actual environmental concerns include soil loss, and mobilisation of sediment, slash, and woody debris into waterways.
- The regulation does not adequately consider in situ soil conservation, which is required under RMA s.7(b), (f), and (g).

Threshold Issues

- The dual requirement of “severe erosion” and “significant adverse effects” sets an unnecessarily high bar. We suggest either removing “severe” or splitting the provision into two parts—one for erosion risk and one for significant effects.
- The regulation does not clearly address whether cumulative or compounding erosion events can be considered “severe” or “significant.”
- Proposed 6(1)(c) should clearly refer to “spatially defined areas” to avoid ambiguity and later, alternative, interpretation of ‘defined areas’.

Legal and Procedural Concerns

- The stringency tests duplicate RMA s.32(4), which already requires councils to justify more stringent rules.
- The changes appear to undermine existing freshwater rules in the Tairāwhiti Resource Management Plan.
- The proposed wording is complex and ambiguous, inviting challenge to more stringent regulation based on whether the NES-CF manages effects adequately or not, potentially leading to litigation.

Overlap, Redundancy and Clarity

- There is duplication between proposed regulations 6(1)(a) and 6(1)(c) regarding risk and defined areas. These should be separated for clarity.
- Apart from the 1 m2 DEM specified, the proposed 6(1)(c) does not consider that mapping better than 1:10,000 scale may be used.

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

No

12. Would the removal of 6(4A) impact you, your local authority or business?

Yes

Lack of Evidential Basis for Proposed Amendments

- The proposed repeal of regulation 6(4A) lacks evidential support. The regulation, introduced in late 2023, has not yet been used. Its repeal appears driven by speculative concerns.

Repeal will impose an unnecessary evidential burden in the Tairāwhiti context

- Experience of mass afforestation on erosion-prone land post-Cyclone Bola demonstrates the need for local engagement on sustainable land use. The MILU report documents the consequences of same-age tree harvesting in vulnerable areas.
- Repealing Reg 6(4A) would require proof of severe erosion risk before plan changes can be considered. This imposes an unreasonable evidential burden and obstructs effective resource management in regions like Tairāwhiti where erosion risks are well known.

Limitations of NES-CF in managing regional risk of commercial forestry on inappropriate land

- The MILU report and Government response highlight a need for the most vulnerable land to transition to permanent vegetation cover. Recent ETS Bill amendments further incentivise afforestation on highly vulnerable land (LUC classes 7–8), exacerbating existing environmental risks.
- Erosion risk from inappropriate afforestation through consent refusals and discretionary controls. Individual consents are inefficient and fail to address cumulative, region-wide afforestation risks.
- Councils should be enabled to initiate plan changes to address these risks. Council will look to regulate afforestation on the worst eroding /erosion prone land in the region. However if more stringent regulation is frustrated by proposed 6(1) (see our submission on 6(1)), then the removal of 6(4A) will be impactful, in which case s.6(4A) should be retained.

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

No

Drafting is inadequate for a permitted activity

- While Council supports the intent to improve the workability of Regs 69(5–7), it is concerned the proposed amendments would instead reduce enforceability and increase risk.
- As permitted activity conditions, they must be clear, objective, and enforceable. The proposed Slash Mobilisation Risk Assessment (SMRA) introduces subjectivity, lacks expert verification, and provides no clear thresholds, making compliance uncertain and difficult to enforce.
- The proposal seems to ignore cumulative risk and consequence severity and will result in poorer environmental outcomes in high-risk catchments.

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

Unsure

Council does not support SMRA in its current form

- Council does not support the SMRA in its current form. It lacks clarity, enforceability, and expert oversight. Without defined thresholds for slash removal or mitigation, it risks inconsistent application and dispute.

- A prescriptive standard with clear size/volume thresholds may offer more certainty and enforceability, but Council has not been provided with sufficient detail to assess the appropriateness of such thresholds.
- Any approach must be objective, independently verified, and consider both risk and consequence—particularly in high-risk regions like Te Tairāwhiti.

15. Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?

No

The proposed SMRA framework has multiple flaws:

- It focuses on likelihood only, ignoring low-probability but high-impact risks that should disqualify permitted activity status.
- SMRA at harvest block level fails to account for cumulative buildup across catchments.
- There is no requirement for SMRA to be completed or certified by qualified experts. Councils cannot comment, reject, or request further information.
- There is insufficient slash data to support SMRA effectiveness.
- There is no defined criteria for when slash must be removed or what mitigation is required, leading to inconsistent application and disputes.
- allowing high-risk activities based on self-assessed SMRAs encourages risk minimisation.
- field measurements are inadequate for slope risk Indicators: Only LIDAR should be used.
- No rainfall event size is specified, reducing clarity on risk thresholds.

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

No

- Increasing the length threshold would allow more large slash to remain on steep, erosion-prone slopes. This would be especially problematic in Tairāwhiti.
- There is no evidential basis in the discussion document or Regulatory Impact Statement justifying why the 3m threshold would improve outcomes or reduce costs without increasing risk.
- The MILU report and the NZ First–National Coalition Agreement both called for stronger requirements to manage and remove post-harvest slash. Increasing the slash size threshold does the opposite.

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

No

The definition is too narrow and fails to account for adjacent or downslope areas where slash often accumulates or mobilises. As drafted, it risks excluding areas where slash-related risks are most significant, weakening the permitted activity conditions in Regulation 69 and reducing regulatory clarity and enforceability.

20. Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?

No

These plans are essential tools for early risk identification, transparent compliance monitoring, and sustainable land management. Particularly in erosion-prone regions like Tairāwhiti, afforestation and replanting decisions can shape long-term environmental outcomes. Their removal would reduce foresight, increase long-term costs, and undermine the objectives of the NES-CF.

21. Do you support the proposed minor text amendments?

Yes

Part 2.5 Multiple instruments for quarrying and mining provisions

33. Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?

Yes

34. Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?

Unsure

35. Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?

Unsure

We advise caution in extending the “operational need” gateway test to other activities regulated under the NPS-FM and NES-FW.

While the addition of “operational need” may be appropriate for certain extractive industries (e.g. quarrying and mining), where location-specific logistical and economic constraints can be clearly demonstrated, applying it more broadly could:

Weaken environmental bottom lines, especially if operational need is used to justify activities that are not location-dependent or where alternatives exist;

Increase subjectivity and uncertainty in determining whether an activity truly meets an “operational need” threshold;

Risk inconsistency across sectors, particularly if other industries (e.g. intensive land use or subdivision) seek similar treatment without strong environmental justification.

Part 2.6 Stock Exclusion Regulations

36. Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?

Unsure

We note that for those areas that genuinely meet the definition of a Natural Inland Wetland, the impact on utilization of productive land is likely to be minimal. These areas are often naturally unproductive, frequently boggy, and can pose safety risks to stock. Therefore, excluding stock may have limited economic impact in many cases and there may be a natural motive to exclude stock in some cases regardless.

That said, the costs of stock exclusion—particularly the installation, maintenance, and repair of fencing—could be significant, especially where wetlands are located within flood-prone areas. Fences in these zones are more likely to be damaged and require ongoing upkeep, which increases long-term costs for landowners.

From an environmental perspective, excluding stock from natural wetlands has clear benefits, including improved water quality, reduced sedimentation, and protection of wetland biodiversity

and habitat values. However, these benefits are more likely to be realised and sustained when exclusion is complemented by active pest management (both flora and fauna).

In summary, while the environmental benefits from stock exclusion are generally positive, whether the costs are disproportionate will depend on site-specific factors such as terrain, wetland size, flood risk, and the presence (or absence) of ongoing pest management.