



National Environmental Standards for Plantation Forestry

Overview of the regulations

New Zealand Government



New national rules for plantation forestry

Plantation forestry is New Zealand's third largest primary sector. It delivers significant economic and social benefits to New Zealand, employing over 26,000 people and generating around \$5 billion in export earnings each year. Plantation forests also provide environmental benefits such as improving water quality, controlling erosion, and providing a temporary carbon sink.

As with most land uses, plantation forestry activities can also adversely affect the environment if not well managed. The greatest risk occurs when land is exposed during harvesting or earthworks.

Previously, the rules governing forestry activities were provided in district and regional council plans. These rules were designed to take into account local environmental conditions and community priorities. While local variation has offered some benefits, it has unnecessarily increased costs and operational complexity for the forestry sector, particularly for forests that cross council boundaries¹. This variation across council plans has also meant that there has been an inconsistent level of environmental management.

Now, a new nationally consistent set of regulations will create more certainty. The National Environmental Standards for Plantation Forestry (NES-PF) permit core forestry activities provided there are no significant adverse environmental

effects. Where the risks of harm to the environment are too high, or if a forest operator can't meet the regulatory requirements for a permitted activity, the operator will need to apply for resource consent.

At the same time, the regulations recognise that different rules may be needed to manage some specific local circumstances and give effect to other RMA national direction tools such as the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement. Councils will be able to impose stricter rules in unique and sensitive environments, including those with special significance to the community.

Forestry activities regulated by the NES-PF

The NES-PF covers eight core plantation forestry activities:

- » afforestation
- » pruning and thinning-to-waste
- » earthworks
- » river crossings
- » forest quarrying
- » harvesting
- » mechanical land preparation
- » replanting.

¹ Research indicates that more than 300 forest owners (whose land accounts for more than 80 per cent of the national plantation estate) have forests across more than two districts and approximately 200 of these owners manage forests in two or more regions.

The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and harvest. This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries.

There are also certain activities and effects that are not in the scope of the regulations. In most cases, the regulations do not cover plantation forestry activities that occur outside the boundaries of the forest land², such as the effects of logging trucks using public roads. Existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations; examples include but are not limited to, cultural and historic heritage, agrichemical use, burning, water yield and milling and processing activities.



Managing the environmental effects of forestry activities

Most forestry activities are permitted by the NES-PF as long as foresters meet specific conditions to prevent significant adverse environmental effects. The regulations are based on existing good practice standards for the forestry industry.

If foresters are unable to meet these conditions, they will need to apply for a resource consent.

Some of the conditions in the NES-PF are:

- » for afforestation, permitted activity conditions include setbacks for tree planting from rivers, lakes, wetlands, coastal areas and significant natural areas. Setbacks provide a buffer between forestry activity and these areas, providing shading and habitat for aquatic species and helping to avoid erosion of stream banks
- » for harvesting to be a permitted activity, foresters must submit a harvest plan to their local council if requested. The plan should identify environmental risks, including erosion susceptibility using the Erosion Susceptibility Classification tool, and must list the mitigations to be used to respond to those risks and achieve compliance with permitted activity conditions
- » for earthworks, permitted activity conditions include the requirement to install and maintain stormwater and sediment control measures. Spoil, the by-product of excavation and earthworks, cannot be deposited where it may readily enter or deliver sediment into a water body, coastal area or significant natural area.

Under the NES-PF, some of the rules governing forestry activities may be stricter than in current council plans; while in some other cases they may be more lenient. An independent review of council plans from nine regions, representing a cross-section of jurisdictions and environmental characteristics, showed that the NES-PF will raise environmental standards for most effects when compared to existing council rules.

² The exception is a rule relating to the carriage of quarry material between forests within two kilometres of each other, where they have the same owner.

Tools for councils and foresters

Three tools are available to councils and foresters to help determine when consents will be needed for forestry activities. These tools identify the risk of wilding conifer spread, erosion, and disturbance to waterways while fish are spawning. The tools will also help foresters to identify and plan their forestry operations to avoid or mitigate these risks.

Erosion Susceptibility Classification:

This divides the New Zealand landscape into four categories. Land areas coloured green (low) and yellow (moderate) have lower erosion risk and so forestry activities are permitted. Permitted activities are subject to conditions under the regulations that are based on industry good practice standards. Where there is a high or very high risk of erosion (areas mapped as orange and red), stricter requirements apply and some forestry activities cannot be carried out without resource consent.

Wilding Tree Risk Calculator:

The regulations include measures to control the spread of wilding trees. Land owners and forest operators are required to apply the Wilding Tree Risk Calculator to a site when they are considering establishing a new plantation forest or replanting a different type of conifer that has a higher risk score than the previous species. If the risk of wilding spread is high, resource consent will be needed for afforestation and planting the new species.



Fish Spawning Indicator:

Freshwater fish species are vulnerable to disturbance during spawning. The NES-PF uses the Fish Spawning Indicator to identify a list of 33 fish species that require protection from disturbance during spawning, and imposes controls on certain forestry activities during these times. The Fish Spawning Indicator allows a forest operator to determine if one or more of the listed fish species may be present in their area, and identifies the applicable spawning times for that site.



Provisions for local priorities

The NES-PF is designed to provide a nationally consistent set of rules that address the risks of forestry activities and protect sensitive environments. However, there are some locations that require a greater degree of protection than is provided for in the regulations. For this reason, the NES-PF allows councils to make rules that are more stringent where necessary.

Regional and district councils are able to impose stricter rules in relation to significant natural areas, outstanding natural features and landscapes, specified geological areas, and sensitive receiving environments. A local rule can also be stricter than the NES-PF if it is needed to give effect to the National Policy Statement for Freshwater Management or the New Zealand Coastal Policy Statement.



New processes for forestry management

The NES-PF marks a significant change in the way forestry activities are managed under the Resource Management Act and will have a direct impact on how councils and foresters conduct their day-to-day activities.

Councils:

Councils will no longer need to develop forestry-specific rules in their plans for those activities covered by the NES-PF or include forestry activities under general plan rules. This should reduce the costs of plan development and litigation. Council staff in planning, consenting, and monitoring and compliance roles will need to understand the rules that apply to forestry activities and how they relate to other rules in their plans and wider legislation. Central government will provide guidance materials and support for councils to help them implement the new regulations, including where they have the flexibility to apply more stringent rules.

Forest owners and operators:

Forest operators will need to familiarise themselves with the requirements for each activity and understand how the tools apply to their own land. Where required they will need to prepare and keep records of their forestry earthworks management plan, harvest plan, and quarry erosion and sediment management plan. Standardised templates and best practice examples are being developed along with further guidance materials to ensure forest owners and operators understand what is required of them and how to prepare their plans under the NES-PF.

Forest operators will also need to understand when and how to use the Erosion Susceptibility Classification, the Wilding Tree Risk Calculator and the Fish Spawning Indicator in their operational planning.

Iwi:

Māori may have an interest in the NES-PF as forest owners and as kaitiaki. Agreements made between iwi and councils can be protected in the NES-PF through the flexibility to manage and protect unique local environments and sensitive receiving environments, including significant water bodies, by applying more stringent rules. Cultural and historic heritage sites such as wāhi tapu are out of scope of the NES-PF regulations, so existing local rules and wider legislation will still apply.

Implementing the regulations

The NES-PF will come into effect on 1 May 2018. This allows time for the Ministry for Primary Industries and the Ministry for the Environment to provide support and guidance to councils and foresters to help them understand their responsibilities under the NES-PF.

Find out more

Website: www.mpi.govt.nz/growing-and-producing

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Published by the Ministry for the Environment
and the Ministry for Primary Industries in August 2017
Publication number: INFO 804

New Zealand Government