



What What When ?

- What is the NES-CF?
- What changes affect our operations?
- When does it come into effect – most changes take place from 3 November 2023



Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 2nd day of October 2023

Present:

Her Excellency the Administrator of the Government in Council

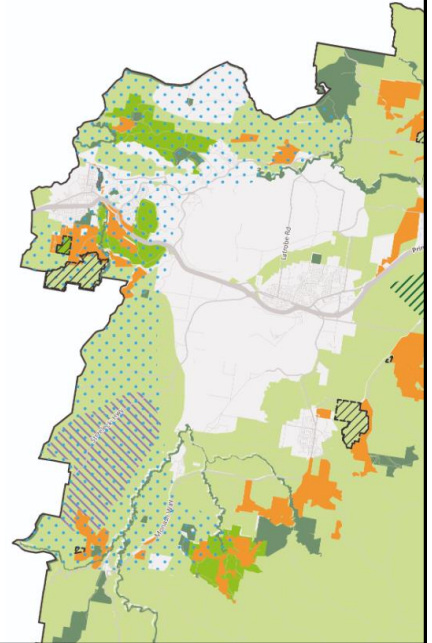
Council Control Increased

If these regulations do not apply to a particular activity, there may be rules in regional or district plans that apply to that activity.

Without limiting the generality of regulation 5(4), there may be rules in regional or district plans for **afforestation** in relation to effects of commercial forests to which subpart 1 of Part 2 does not apply (*afforestation regulations*).

Afforestation

A rule in a plan may be more stringent or lenient than subpart 1 of Part 2 of these regulations (*afforestation regulations*).



NES-CF Application

Applies to both plantation forests and **exotic** continuous-cover forests (carbon forests) that are deliberately established for commercial purposes.

- carbon foresters must plan how they will meet environmental requirements for different activities on their sites.
- additional requirements for plantation forests

Commercial Forestry is defined as:
exotic continuous cover forestry or plantation forestry

Exotic continuous-cover forest/try means a forest that is deliberately established for commercial purposes, being **at least 1 ha** of continuous forest cover of **exotic** forest species that has been planted and—

- will not be harvested or replanted; or
- is intended to be used for **low intensity harvesting** or replanted

Plantation forest/try means a forest deliberately established for commercial purposes, **at least 1 ha** of continuous forest cover of forest species that has been planted and has or will be harvested or replanted.

Commercial Forestry includes all associated forestry infrastructure; but does not include—

- a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
- forest species in urban areas; or
- nurseries and seed orchards; or
- trees grown for fruit or nuts; or
- long-term ecological restoration planting of indigenous forest species; or
- willows and poplars space planted for soil conservation purposes

Afforestation & Replanting Changes

Regulations 10 & 78A – notice
20 working days to 8 months before the planned start date

Regulations 10A & 77A – afforestation/replanting management plan
New

Regulations 11 & 79 – wilding tree risk calculation
Completed no more than 8 months before notice is given
Information given to council
Include assessment of each risk element*
Wilding tree removal from wetlands & SNAs before replanting and then 5 yearly

Commences 3 April 2024 except *11(4)(b) & *79(5)(b) commence on 3 January 2024

Regulation 14A – ?



Afforestation/Replanting Management Plan & Compliance Monitoring

Schedule 3 Afforestation Management Plan

- 1 Person and property details.
- 2 Map.
- 3 Activity details – where, when & how.
- 4 Management requirements for:
 - significant natural areas
 - water quality and sediment
 - erosion and sedimentation
 - wilding trees
- 5 1-4 must be submitted in a GIS compatible format if requested by the council.

Regulation 106 (aaa)
Councils (regional and territorial) may charge for monitoring afforestation activities.

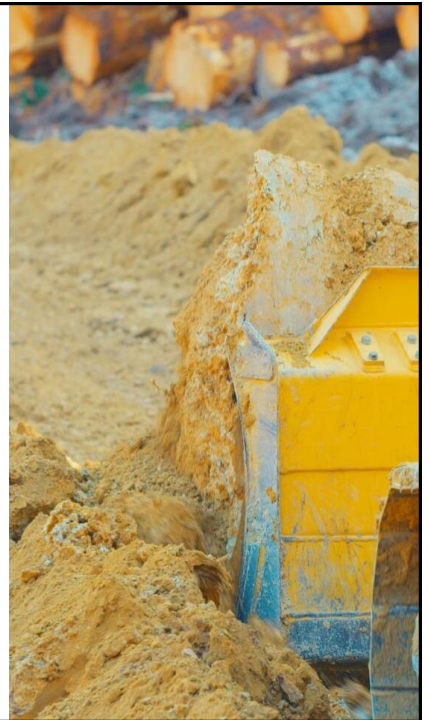


Earthworks Changes

Regulation 25 – notice for earthworks or road widening and realignment in green or yellow erosion susceptibility zones, at least 10 and no more than 60 working days before the date on which the activity is planned to begin;

Regulation 27 – forestry earthworks management plan
Schedule 4 – updated assessment:

- 1 Person and Property details.
- 2 Map.
- 3 Activity details – where, when & how...
- 4 Management requirements for:
 - significant natural areas
 - water quality and sediment
 - erosion and sedimentation
 - indigenous birds
 - fish species
 - other indigenous species of fauna
- 5 1-4 must be submitted in a GIS compatible format if requested by the council.
- 6 Management practices for maintenance and monitoring



Earthworks Current operations

You can continue if:

- you have given notice for earthworks (prior to 3 November), and
- are operating under the “old” forestry earthworks management plan, and
- the expected completion date is before 3 April 2024

Until the earlier of:

- the earthworks are completed, or
- the expected completion date has passed.

You can renew the notice once under the old NES-PF



River Crossing Changes

Regulation 37 – types of crossings

Double culverts - $< 7.5 \text{ m}^3$ per second

All culverts - the invert must be $> 25\%$ buried

Removable in-stream structures - New

Regulation 40 – fish passage

Council can direct fish passage must be restricted

Regulation 45 – flow calculations

Regional Flood Estimation Tool for New Zealand Part 2



Forestry Quarrying Changes

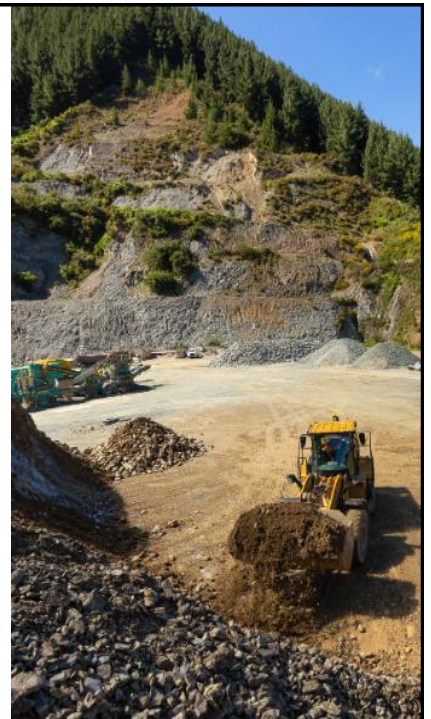
Regulation 52 – notice

for forest quarrying in green or yellow erosion susceptibility zones, at least 10 and no more than 60 working days before the date on which the activity is planned to begin;

Regulation 59 – quarry erosion and sediment management plan

Schedule 5

Quarry Erosion & Sediment Management Plan must be written for the quarry to be permitted if $> 200 \text{ m}^3$ extracted



Quarrying Current operations

You can continue if:

- you have given notice for quarrying (prior to 3 November), and
- are operating under the “old” forestry quarrying erosion and sedimentation management plan, and
- the expected completion date is before 3 April 2024

Until the earlier of:

- the quarrying is completed, or
- the expected completion date has passed.

You can renew the notice once under the old NES-PF



Harvesting Changes

Regulation 62A – application

- 1 Regulations 63 to 71 apply to plantation forests.
- 2 Regulations 71A to 71C apply to exotic continuous-cover forests.

Regulation 63(3) – low intensity harvesting is permitted in all ESC (if regs 64-69 are met).

Regulation 66 – harvest plan
– updated assessment (Schedule 6)



Harvesting Changes continued

Regulation 69 – Slash

- (1) Harvesting slash produced at or on a landing must be placed onto stable ground.
- (2) Harvesting slash that is at or on a landing must be managed to avoid the collapse of the slash pile (birdsnest) or the ground under a slash pile.
- (5) On orange zone and red zone land, harvesting slash > 2 m in length and > 10 cm LED that is “sound wood” must be removed from the cutover, unless it is unsafe to do so.
- (6) However, residual slash may be left on the cutover.

residual slash means a quantity of the slash required to be removed under sub-clause (5) not exceeding 15 m³ per hectare of the cutover

sound wood means wood that can be safely lifted using harvesting equipment and transferred to a landing without degrading or breaking up



Harvesting Current operations

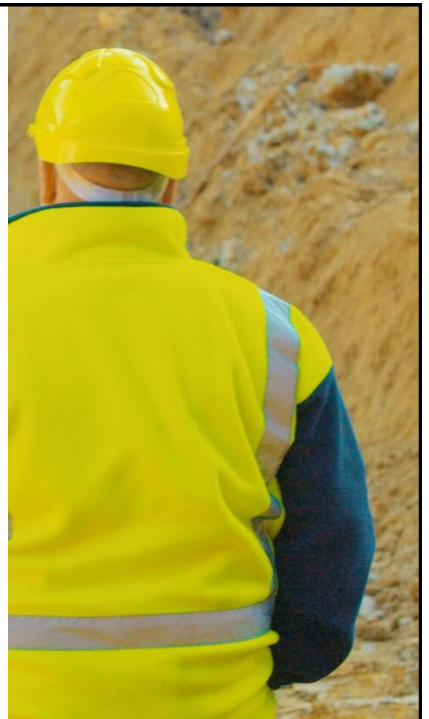
You can continue if:

- you have given notice for harvesting (prior to 3 November), and
- are operating under the “old” harvest management plan, and
- the expected completion date is before 3 April 2024

Until the earlier of:

- the harvesting is completed, or
- the expected completion date has passed.

You can renew the notice once under the old NES-PF



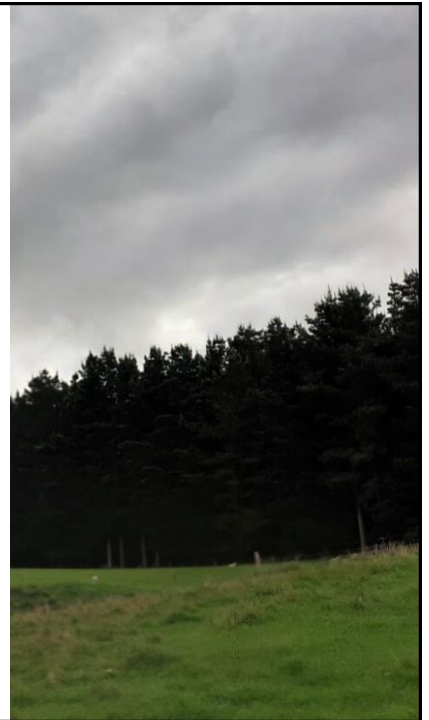
Harvesting Exotic continuous-cover forest

Regulation 71A – Low intensity harvesting of exotic continuous-cover forests is permitted in all ESC

- (a) if regulations 64–69 are met, and
- (b) any relevant forest planning requirement is not complied with.

Low intensity harvesting - a minimum of 75% canopy cover is maintained at all times for any given hectare of forest land.

Regulation 71B – controlled activity
Regulation 71C – discretionary activity



Discharges Disturbances & Diversions Changes

- (2A) Disturbance of a wetland through use of machinery, vehicles, equipment, and construction materials may occur only if—
- (a) machinery, vehicles, and equipment used for the activity are cleaned before entering the wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
 - (b) machinery that is used for the activity sits outside the wetland, unless it is necessary for the machinery to enter it to achieve the purpose of the activity; and
 - (c) machinery or vehicles that enter the wetland are modified or supported to prevent them from damaging the wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
 - (d) the mixing of construction materials, and the refueling and maintenance of vehicles, machinery, and equipment, is done outside a 10 m setback from the wetland.

A wetland for this regulation is:
100 m² – < 0.25 ha for all activities except harvesting which is anything > 100 m²





Thank you

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