



A National Environmental Standard for Plantation Forestry

Summary consultation document June 2015

The Ministry for Primary Industries is seeking your views on the proposed subject matter of a National Environmental Standard for Plantation Forestry (NES-PF). This is a proposal to change how plantation forestry activities are managed under the Resource Management Act 1991 (RMA). If implemented, an NES-PF would replace councils' existing district and regional plan rules for managing plantation forestry. It would provide a nationally consistent approach that is responsive to local environments.

This document summarises the full consultation document, *A proposed national environmental standard for plantation forestry*, which is available from www.mpi.govt.nz/nes-pf

Plantation forestry in New Zealand

Plantation forests cover an estimated 1.75 million hectares (about 7 percent) of New Zealand's land area and contribute about 3 percent of gross domestic product.

Plantation forestry delivers significant economic and social benefits to New Zealand. It also provides environmental benefits such as improving water quality and controlling erosion.

As with all land use activities, plantation forestry can have adverse environmental impacts if it is not managed appropriately. Such adverse impacts are most often associated with harvesting and earthworks activities, which occur only at particular stages of the forestry life cycle.

How plantation forestry is currently regulated and managed

The RMA is the main piece of legislation used to manage the environmental effects of plantation forestry. Local government is primarily responsible for giving effect to the RMA. Councils develop plans with objectives, policies and rules to manage the environmental effects of land use activities such as plantation forestry. These objectives, policies and rules are developed through community planning processes and are subject to review over time.

Local plan rules establish the conditions under which forestry activities are allowed or whether consents are required in a region or district. As a result:

- plantation forestry is regulated differently in different regions and districts;
- conditions placed on forestry activities can change over the life of a forest as plans change.

Plantation forestry in New Zealand



The “problem”– uncertainty and inconsistency

Councils take into account local environmental conditions (such as high erosion susceptibility) and community priorities (such as heritage and cultural values) when setting planning rules. Therefore, across the country some variation between councils' plans is expected and desirable.

However, sometimes the reasons for the differences between council approaches are unclear and hard to justify. This “unwarranted variation” creates unnecessary costs and complexity for all forestry sector participants (not just forestry operators) and leads to uncertain environmental outcomes.

Unwarranted variation is variation between plans that is not justified by environmental, economic, social or cultural benefits and imposes an unnecessary cost.



Overview

The objectives of the proposal are to:

- remove unwarranted variation between local councils' planning controls for plantation forestry;
- improve certainty of RMA processes and outcomes for plantation forestry stakeholders, while maintaining consistency with the purpose of the RMA;
- improve certainty about environmental outcomes from plantation forestry activities for forestry stakeholders, including communities, nationally;
- contribute to the cost-effectiveness of the resource management system by providing appropriate and fit-for-purpose planning rules to manage the effects of plantation forestry.

What is being proposed?

The proposed NES-PF introduces technical standards for plantation forestry activities across New Zealand. If implemented, an NES-PF would apply to plantation forestry as defined in the box. The proposal includes a set of draft rules for each of the eight core plantation forestry activities and general conditions that all activities must also meet.

For a visual overview of the proposal see pages 6.

A National Environmental Standard (NES) (as provided for under sections 43–44A of the RMA) would establish a technical standard for forestry activities and set out when an activity is permitted and when consent is required. An NES would override rules for plantation forestry in planning documents, except in relation to matters where councils are allowed to be more stringent than the NES.

The proposed NES-PF is based on good industry and environmental practice and up-to-date science. To develop the proposal, the Ministry for Primary Industries worked with the Ministry for the Environment and forest owners, councils, environmental non-governmental organisations and resource management experts. The proposal has also been discussed with a wide range of stakeholders. Their feedback was incorporated into the draft rules when it improved the rules and would improve the balance between environmental protection and economic efficiency.

These draft rules may change as a result of this consultation. If an NES-PF proceeds, the wording of the draft rules is likely to change when the Parliamentary Council Office formally writes the regulation required to implement the NES-PF. However, the intent of the rules should not change.

The Ministry for Primary Industries proposes that *plantation forestry* is defined as:

- at least 1 hectare of forest cover of forest species that has been planted and has been, or will be, harvested;
- including all associated internal infrastructure; but
- not including:
 - a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 metres;
 - forest species in urban areas;
 - nurseries and seed orchards;
 - fruit and nut crops;
 - long-term ecological restoration planting of forest species;
 - willows and poplars space planted for soil conservation purposes.

Rules for eight plantation forestry activities

The proposed NES-PF contains activity-specific rules for eight plantation forestry activities. These activities cover the whole plantation forest life cycle:

Activity	Adverse environmental effects to be managed
Mechanical land preparation 	Erosion and sedimentation, related effects on habitats and water quality from sediment run-off
Afforestation 	“Wilding” spread, sedimentation from earthworks in erosion-prone areas
Earthworks 	Erosion and sedimentation (for example, from construction of roads and infrastructure)
Forestry quarrying 	Similar to effects from earthworks, impacts on cultural sites, over-burden disposal
River crossings 	Erosion and sedimentation, restricting or preventing fish passage, bed erosion, accumulation of debris, damage to structures during flooding
Pruning and thinning-to-waste 	Usually minor environmental effects, effects on and in water bodies if debris not appropriately managed
Harvesting 	Discharge of slash and sediment onto land and into water, soil disturbance and erosion, riparian vegetation disturbance
Replanting 	Similar to effects for afforestation, although likely to be less impact from earthworks in second generation forestry because of pre-existing infrastructure



More about the proposal

Principles underpinning the draft rules

The draft rules that form the basis of the proposed NES-PF are based on four principles:

1. Where possible, activities should be permitted (that is, not need a resource consent) provided robust permitted activity conditions are met.
2. As the risk of adverse environmental effects at the location of the activity increases, the requirement for consent becomes more likely and conditions become more stringent.
3. The proposed rules and the threshold at which consent is required should be based on up-to-date science.
4. The rules should provide a consistent approach nationally, but should be responsive to local environmental conditions.

Retaining local decision-making

Although a primary objective of the NES-PF is greater national consistency, local authorities sometimes need to be able to manage activities because of unique environmental, social or cultural factors. The proposed NES-PF identifies matters where councils would have the ability to be more stringent than the proposed NES-PF.

Subject to conditions, councils could set more stringent rules in plans or more stringent conditions in resource consents in relation to:

- the coastal marine area (to align with the New Zealand Coastal Policy Statement);
- geothermal and karst protection areas;
- areas of known cultural or heritage value;
- significant natural areas and outstanding natural features and landscapes;
- shallow aquifers (as groundwater systems may be complex in local areas);
- meeting the objectives of the National Policy Statement for Freshwater Management.



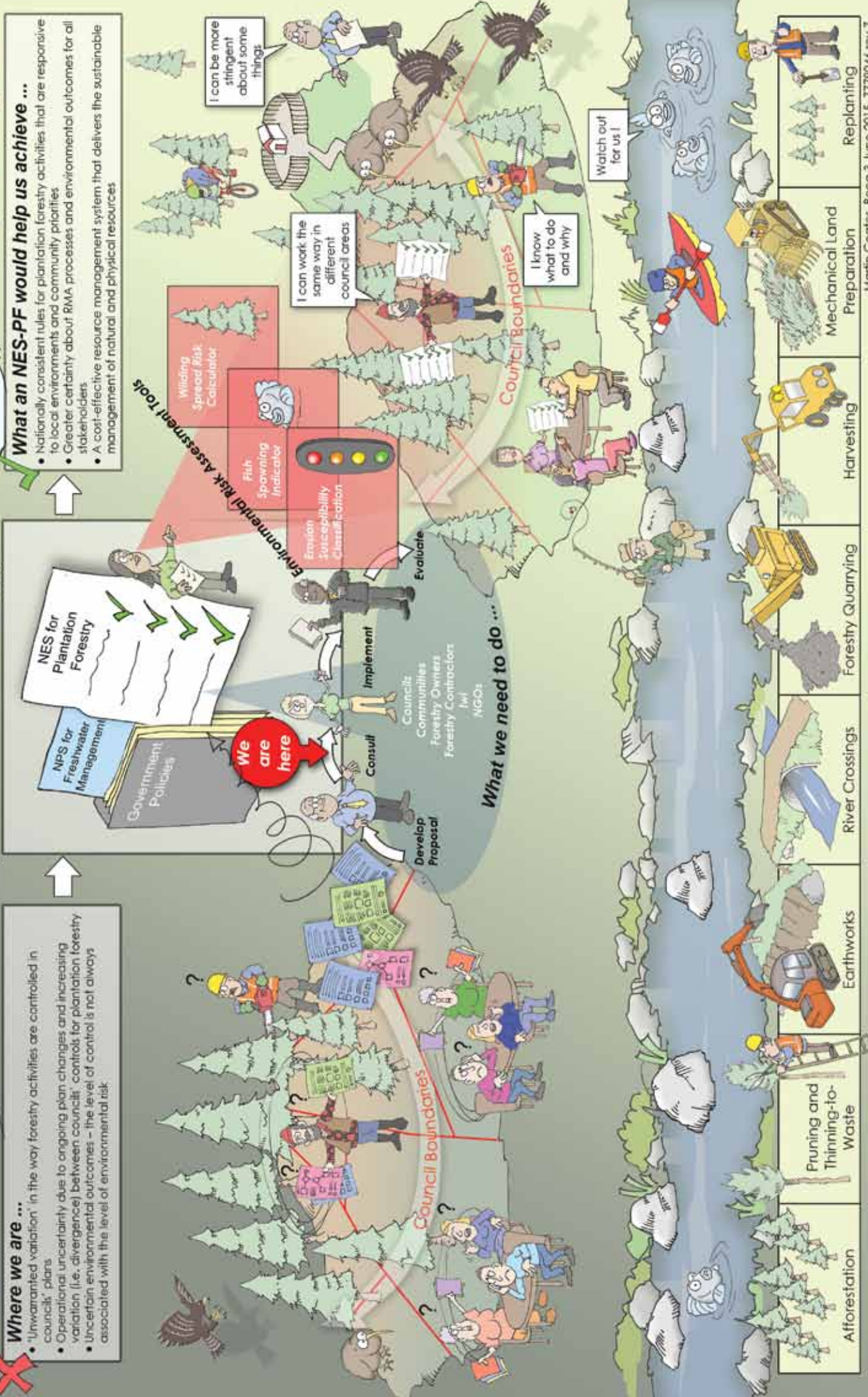
An NES-PF would introduce nationally consistent rules to manage plantation forestry activities across New Zealand

Where we are ...

- "Unwarranted variation" in the way forestry activities are controlled in councils' plans
- Operational uncertainty due to ongoing plan changes and increasing variation (i.e. divergence) between councils' controls for plantation forestry
- Uncertain environmental outcomes – the level of control is not always associated with the level of environmental risk

What an NES-PF would help us achieve ...

- Nationally consistent rules for plantation forestry activities that are responsive to local environments and community priorities
- Greater certainty about RMA processes and environmental outcomes for all stakeholders
- A cost-effective resource management system that delivers the sustainable management of natural and physical resources





Environmental risk assessment tools

Three tailored environmental risk assessment tools will be used to assess the risk of adverse environmental effects: the Erosion Susceptibility Classification, Fish Spawning Indicator, and Wilding Spread Risk Calculator. These tools will determine the level of risk that needs to be managed and, in turn, the level of control over an activity. This information allows the proposed NES-PF to be responsive to local environmental factors.

Wilding Spread Risk Calculator

In the right place, conifer tree species provide environmental benefits and are a valuable economic resource for communities. However, when they spread in an uncontrolled way, they can have an adverse effect on landscape and biodiversity values, other land uses and catchment hydrology. The Wilding Spread Risk Calculator identifies the risk of wilding conifer spread and informs when consent is required.

Fish Spawning Indicator

If not carefully managed, forestry activities can adversely affect the spawning habitats of freshwater fish. The Fish Spawning Indicator enables controls to be targeted, so restrictions on activities occur only when they are absolutely needed (that is, only during seasonal fish spawning where fish are likely to be present). The Fish Spawning Indicator will apply to 21 species, of which 14 are indigenous.

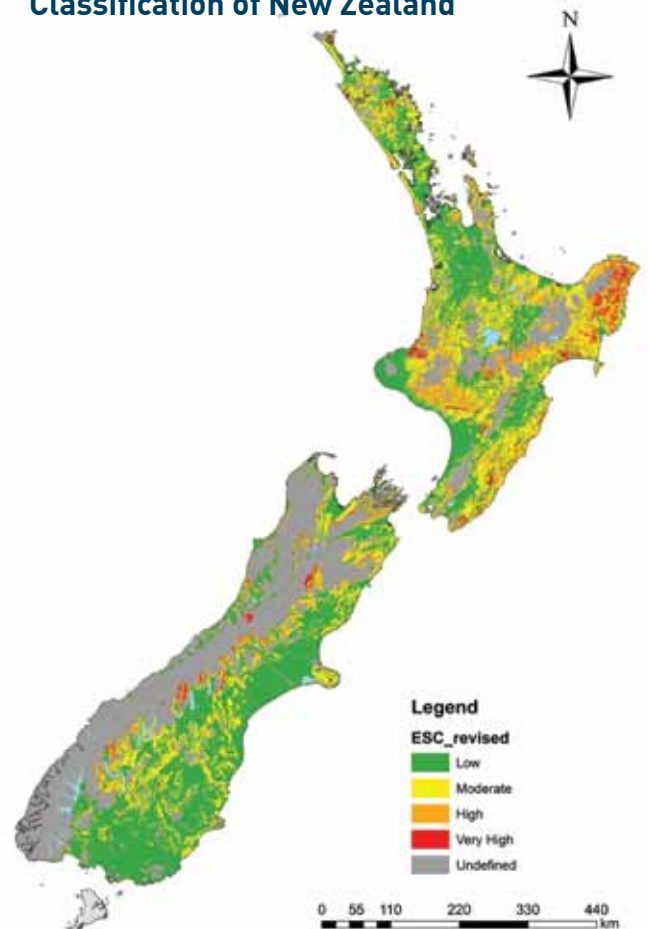
Erosion Susceptibility Classification

The Erosion Susceptibility Classification categorises the risk of erosion on land, coding land zones as low risk (green), moderate (yellow), high (orange) and very high (red). Typically, in Green and Yellow zones, a forestry activity will be permitted, provided conditions are fully met. In contrast, forestry activities will be more tightly controlled in Red and Orange Zone land, and activities in these zones are more likely to require consent.

Percentage of New Zealand's plantation forest land in each Erosion Susceptibility Classification category.

ESC category	Low	Moderate	High	Very high
%	39%	37%	18%	6%

Erosion Susceptibility Classification of New Zealand



Source: Landcare Research, 2015

Note: Undefined land is conservation land and urban areas.

Identifying the preferred option

The Ministry for Primary Industries assessed 18 possible solutions to address the problem of unwarranted variation before identifying an NES as the preferred option.

Solutions that could not be enforced or monitored effectively or would not achieve national consistency were discounted, which left four viable options. An NES-PF was the option that best met all the assessment criteria. It would:

- ensure consistent planning rules based on good industry and environmental practices across district and regional boundaries;
- increase certainty about the planning environment for forestry stakeholders over time;
- once finalised, come into effect quickly (that is, on the date of commencement in the regulation);
- prevent local planning rules from diverging over time because review of an NES-PF would be nationally co-ordinated.

Several non-regulatory solutions were also identified to support the implementation and enhance the outcomes of the proposed NES-PF. In particular, planning guidance and staff training will be developed for councils and forestry operators.

Expected costs and benefits of an NES-PF

An independent assessment of the costs and benefits of the proposed NES-PF was conducted by the New Zealand Institute of Economic Research. This work excluded environmental costs and benefits, so Scion (a Crown research institute specialising in forestry related research) assessed these environmental impacts.

Overall, these assessments indicated that the benefits of the proposed NES-PF will outweigh the costs. The proposed NES-PF is expected to result in net benefits over a 30-year period compared with the status quo (that is, doing nothing). Analysis of the environmental benefits of the NES-PF found that these would certainly increase the net benefit over time.

The main environmental benefits of the NES-PF would be:

- Improved management of wildings in small forests as a result of higher afforestation controls
- Avoided erosion as a result of greater control of harvesting of forests on land with high or very high erosion risk
- Improved freshwater quality and biodiversity as a result of increased setbacks and the use of the Fish Spawning Indicator.





Expected impacts on different groups

The proposed NES-PF would introduce a consistent set of national rules for forestry activities to replace existing district and regional plan rules. Because the draft rules are operational rules, their primary impact would be on councils and forest owners. However, all stakeholders are expected to benefit from greater certainty about the level of control of forestry activities. Multiple stakeholders would also likely benefit from a reduction in plan advocacy costs and a reduction in plan development costs for councils.

District and regional councils will no longer need to develop forestry-specific rules in plans, except for matters where they are able to apply greater stringency. This will reduce the cost of plan development and litigation. Councils will need to monitor permitted activity conditions. Initially, councils will also need to remove any duplication or conflict between an NES-PF and existing or proposed plans.

Forest owners' decisions will be better informed, with greater certainty about planning controls over the lifetime of a forest. In general, plantation forestry activities will be permitted when they occur in an area with low risk of adverse environmental effects. However, all forest owners will need to keep good records and make sure certain information (such as Harvest Plans) is made available to the council within set

timeframes. Large forest owners will benefit from reduced variation in planning rules across regional boundaries and will not need to be as involved in plan advocacy. Working under a nationally consistent rule set will mean it is easier to provide targeted guidance, support and training to all foresters.

Iwi will continue to be involved in planning processes for managing unique local environments and protecting cultural and heritage values. Wāhi tapu that meet the definition of archaeological sites will be treated in a manner similar to that under existing plans.

Local communities will be able to continue to participate in local planning processes for managing unique local environments and protecting cultural and heritage values.

Environmental non-governmental organisations can expect to spend less time and fewer resources on plan advocacy and can be assured of consistent environmental outcomes. However, they may need to spend more time examining consent processes in areas where consents increase.

Everyone will gain from greater certainty about environmental effects from plantation forestry activities.



Next steps

The Ministry for Primary Industries will analyse all submissions before preparing advice for Ministers with recommendations for the proposed subject matter of an NES-PF. The Ministry will also evaluate the proposal under section 32 of the RMA. This evaluation will assess the extent to which the objectives of an NES-PF are the most appropriate way to achieve the purpose of the RMA.

The Ministers are likely to receive the report on the outcome of this consultation and the Section 32 evaluation by late 2015. If the decision is to proceed with an NES-PF, regulations will be drafted. The regulations would likely be publically notified in the *New Zealand Gazette* during the first quarter of 2016 and come into effect later that year. This will allow time for those responsible for implementing the rules and conditions, along with forest owners and other stakeholders, to familiarise themselves with the changes.

How the Ministry for Primary Industries will assist the transition

If the NES-PF proceeds, the Ministry for Primary Industries will be responsible for the implementation phase of NES-PF at a national level. If the proposal is progressed, after public notification of the NES-PF and before it comes into force, the Ministry for Primary Industries will give affected parties access to information, training and tools to help them adapt to the new regulations. This material will be, for example:

- guidance material for groups such as the

New Zealand Farm Forestry Association, the Forestry Industry Contractors Association, corporate foresters and councils;

- training and other support to councils to help them transition from current plans to the NES-PF;
- templates for harvest plans, Erosion and Sediment Control Plans, and Forestry Quarry Management Plans to help forest owners develop their plans;
- a framework to evaluate how effectively the NES-PF is meeting its objectives.

The Ministry for Primary Industries will seek further input from forest owners and councils to make sure the guidance material and training will be useful for the target audiences. Feedback on the type of guidance and training that would be helpful is welcome through the submission process.

Once the implementation phase is complete councils will be responsible for giving effect to the NES-PF and enforcing its requirements.

Monitoring and review

If the NES-PF is implemented, the Ministry for Primary Industries will undertake ongoing monitoring to assess the effectiveness of the NES-PF. Councils would assist in this process by gathering data and providing this data to the Ministry. The Ministry expects to review the NES-PF five-to-seven years after it comes into force. The data gathered through monitoring will be used to identify whether changes are necessary.



How to make a submission

Anyone may make a submission on the proposed NES-PF before **5 pm, Tuesday, 11 August 2015**.

At a minimum, your submission must include:

- your name, postal address, phone number and, if you have one, email address;
- the title of the proposed standard you are making the submission about;
- whether you support or oppose the standard;
- your views and reasons for them (with evidence if possible);
- any changes you would like made to the standard;
- the decision you wish the Ministers to make.

Questions for submitters are included throughout the document.

Submissions can be made using an online survey at www.mpi.govt.nz/nas-pf.

Alternatively, a submission template can be downloaded at www.mpi.govt.nz/nas-pf. Your submissions can be emailed to NES-PFConsultation@mpi.govt.nz or posted to:

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140



Where to find more information

The summary document and full consultation document, *A proposed national environmental standard for plantation forestry* are available at www.mpi.govt.nz/nas-pf. You can request a printed copy from NES-PFConsultation@mpi.govt.nz

The following information is available also at the above link:

- a Regulatory Impact Statement for the proposed NES-PF;
- analysis of economic and environmental effects of the proposed NES-PF;
- reports about the environmental risk assessment tools (the Erosion Susceptibility Classification, Wilding Spread Risk Calculator and Fish Spawning Indicator);
- information from the Ministry for the Environment's 2010 and 2011 consultations on this matter.

Public meetings and hui during the consultation period

During the eight-week consultation period to 11 August, the Ministry for Primary Industries will hold public meetings and hui to provide information, answer questions and seek feedback on the proposal. These are advertised on the Ministry's website at www.mpi.govt.nz/nas-pf.

Legislative requirements

All submissions are subject to the Official Information Act 1982 and may be released (along with submitters' personal details) under that Act.

If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in your submission. The Ministry for Primary Industries will consider those reasons when assessing the release of submissions, if requested to do so under the Official Information Act.

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.