



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

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act.

Contents

	Page
1 Title	5
2 Commencement	5

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

Part 1
Preliminary provisions

3	Interpretation	5
4	Transitional, savings, and related provisions	15
5	Application	15
6	Plan rules may be more stringent than these regulations	15
7	Material incorporated by reference	17
7A	Joint notice permitted	17

Part 2
Regulation of plantation forestry activities

Subpart 1—Afforestation

8	Functions for this subpart	17
9	Permitted activity	17
10	Permitted activity condition: notice	18
10A	Permitted activity conditions: afforestation management plan	18
10	Permitted activity condition: wilding tree risk and control	18
11	Permitted activity condition: significant natural areas and outstanding features and landscapes	18
12	Permitted activity condition: visual amenity landscapes	19
13	Permitted activity condition: setbacks	19
14	Controlled activity	19
15	Restricted discretionary activity	20
16	Matters to which discretion is restricted	21

Subpart 2—Pruning and thinning to waste

17	Functions for this subpart	21
18	Permitted activity	23
19	Permitted activity conditions: slash	23
20	Controlled activity: regional council	23

Subpart 3—Earthworks

21	Functions for this subpart	23
22	Permitted activity: territorial authority	23
23	Permitted activity: regional council	24
24	Permitted activity conditions: notice	24
25	Permitted activity conditions: sediment	25
26	Permitted activity conditions: forestry earthworks management plan	26
27	Permitted activity conditions: operation	26
28	Permitted activity conditions: setbacks	26
29	Permitted activity conditions: fill and spoil	27
30	Permitted activity conditions: sediment and stormwater control measures	27
31	Permitted activity conditions: stabilisation	27
32	Permitted activity conditions: roads, tracks, and landings	28
33	Controlled activity: regional council	28
34	Restricted discretionary activity: regional council	28

Subpart 4—River crossings

35	Functions for this subpart	28
36	Permitted activity: regional council	29

37	Permitted activity condition: notice	30
38	Permitted activity condition: effects on other structures and users	30
39	Permitted activity condition: passage of fish	30
40	Permitted activity condition: erosion and sediment discharge from use	31
41	Permitted activity condition: maintenance	31
42	Permitted activity condition: location	31
43	Permitted activity condition: contaminant discharges and depositing organic matter	31
44	Permitted activity condition: flow calculations	31
45	Permitted activity conditions specific to various classes of river crossings	32
46	Controlled activity: regional council	32
47	Restricted discretionary activity: regional council	35
48	Discretionary activity: regional council	36
	Subpart 5—Forestry quarrying	
49	Functions for this subpart	38
50	Permitted activity	38
51	Permitted activity conditions: notice	38
52	Permitted activity conditions: visibility	38
53	Permitted activity conditions: setbacks	39
54	Permitted activity conditions: deposition, stabilisation, and restoration	39
55	Permitted activity conditions: sediment and stormwater control measures	40
56	Permitted activity conditions: traffic management (revoked)	40
57	Permitted activity conditions: aquifers	41
58	Permitted activity conditions: quarry erosion and sediment management plan	41
59	Controlled activity	41
60	Restricted discretionary activity	42
	Subpart 6—Harvesting	
61	Functions for this subpart	43
62	Permitted activity	44
62A	Application of provisions in this subpart	44
63	Permitted activity conditions: notice	44
64	Permitted activity conditions: sediment	44
65	Permitted activity conditions: harvest plan	45
66	Permitted activity conditions: ground disturbance	45
67	Permitted activity conditions: disturbance of margins of water bodies and coastal marine area	46
68	Permitted activity conditions: slash and debris management	46
69	Controlled activity	47
70	Restricted discretionary activity: regional council	48
71A	Permitted activity	49
71B	Controlled activity	49
71C	Discretionary activity: regional council	50
	Subpart 7—Mechanical land preparation	
72	Functions for this subpart	50
72	Permitted activity	50
73	Permitted activity conditions: methods, sediment, and setbacks	50

74	Restricted discretionary activity: regional council	50
	Subpart 8—Replanting	
75	Functions for this subpart	51
76	Permitted activity	52
77	Permitted activity conditions: setbacks	52
77A	Permitted activity conditions: replanting management plan	53
78	Permitted activity conditions: wilding tree risk and control	53
78A	Permitted activity condition: notice	53
79	Controlled activity: regional council	54
80	Restricted discretionary activity	55
	Subpart 9—Ancillary activities	
81	Functions for this subpart	56
	<i>Slash traps</i>	
82	Permitted activity	56
83	Permitted activity conditions: design	57
84	Permitted activity conditions: placement	57
85	Permitted activity conditions: inspection and clearance	57
86	Permitted activity conditions: effect on other structures and users	57
87	Permitted activity conditions: passage of fish	57
88	Permitted activity conditions: contaminant discharges and depositing organic matter	58
89	Permitted activity conditions: sediment	58
90	Permitted activity conditions: reporting requirements	58
91	Restricted discretionary activity: regional council	58
	<i>Indigenous vegetation clearance</i>	
92	Permitted activity: territorial authority	58
93	Restricted discretionary activity: territorial authority	59
	<i>Non-indigenous vegetation clearance</i>	
94	Permitted activity	60
	Subpart 10—General provisions	
95	Functions for this subpart	61
	<i>Discharges, disturbances, and diversions</i>	
96	Permitted activity: regional council	61
	<i>Noise and vibration</i>	
97	Permitted activity: territorial authority	61
98	Restricted discretionary activity: territorial authority	65
	<i>Dust</i>	
99	Permitted activity	66
100	Restricted discretionary activity	66
	<i>Indigenous bird nesting</i>	
101	Permitted activity	66
102	Restricted discretionary activity	66
	<i>Fuel storage and refuelling</i>	
103	Permitted activity: regional council	67
104	Restricted discretionary activity: regional council	67

Part 3

Local authority charges for monitoring permitted activities

105	Local authorities may charge for monitoring permitted activities	68
106	Local authorities may charge for monitoring permitted activities	68
Schedule 1		69
Transitional, savings, and related provisions		
Schedule 2		71
References for material incorporated by reference		
Schedule 3		73
Afforestation and replanting plan specifications		
Schedule 4		75
Earthworks plan specifications		
Schedule 5		78
Quarry erosion and sediment management plan specifications		
Schedule 6		80
Harvest plan		

Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 3 November 2023.

However,—

- (a) regulations 13(2) and 44(3) (to the extent that it inserts new regulation 79(5)(b)) come into force on 3 April 2024; and
- (b) the rest of regulation 44 comes into force on 3 January 2024.

Part 1

Preliminary provisions

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

abutment means a construction that supports the end of a bridge

Act means the Resource Management Act 1991

AEP means the annual exceedance probability, which is the chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage

afforestation—

(a) means planting and growing commercial forestry trees on land where there is no commercial forestry and where commercial forestry harvesting has not occurred within the last 5 years; but

(b) does not include vegetation clearance from the land before planting

apron means a hard (generally concrete) surface layer constructed at the entrance or outlet of a river crossing structure

bankfull channel width means the distance across a river channel formed by the dominant channel-forming flow with a recurrence interval seldom outside a 1 to 2-year range (measured at a right angle to the channel flow)

basal area means the cross-sectional area of the stem of a tree measured over bark at a point that is 1.4 metres from ground level on the uphill side of the tree and expressed in square metres

batters means constructed slopes of uniform gradient

battery culvert means a river crossing structure made by using multiple culverts that allows the free flow of water in low flow conditions and high flows and debris to flow over the top of the entire structure

bed invert gradient means the slope measured in metres of rise or fall per metre of horizontal distance of a river channel

butt suspension means suspending the sawn base of the tree being harvested above the ground or surface of a water body while pulling it to a landing

commercial forest or commercial forestry means exotic continuous-cover forestry or plantation forestry

commercial forestry activity means any activity regulated under subparts 1 to 9 of Part 2 of these regulations that is conducted in commercial forestry

compaction means applying pressure or vibration to soil or aggregate to strengthen it

conifer species means exotic trees that bear cones and needle-like or scale-like leaves

culvert means—

(a) a pipe or box structure that conveys a stormwater flow under a forestry road or forestry track; or

(b) the entire structure used to channel a water body under a forestry road or forestry track

cutover means the land area that has been harvested, and any adjacent land between the harvested area and any land that would be covered by water during a 5% AEP event, but does not include water bodies or land that would be covered by water during a 5% AEP event

cuts includes side cuts and batters

discing means breaking up or tilling the soil surface with a series of large saucer-shaped steel blades joined at the centre of an axle

double culvert means a river crossing structure that—

(a) is made by using 2 culverts to carry the water flow; and

- (b) creates a surface on top of the culverts to cross a water body

drift deck means a river crossing structure composed of a series of inverted U-shaped precast concrete elements that is designed to pass low flows through the structure and allow high flows and debris to flow over the top of the entire structure

dwelling has the same meaning as that given for dwellinghouse in section 2(1) of the Act

earthflow terrain means land classified in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>), and having the dominant erosion process of earth-flows and the terrain grouping as follows:

- (a) hill country developed on crushed argillite or on tertiary-aged mudstone or sandstone, with moderate earthflow-dominated erosion; or
- (b) hill country developed on crushed argillite, mudstone, or greywacke, with severe earthflow-dominated erosion

earthworks—

- (a) means disturbance of the surface of the land by the movement, deposition, or removal of earth (or any other matter constituting the land, such as soil, clay, sand, or rock) in relation to commercial forestry; and
- (b) includes the construction of forestry roads, forestry tracks, landings and river crossing approaches, cut and fill operations, maintenance and upgrade of existing earthworks, and forestry road widening and realignment; but
- (c) does not include soil disturbance by machinery passes, forestry quarrying, or mechanical land preparation

end-haul means to remove excavated material to a disposal area

erosion susceptibility classification means the system that determines the risk of erosion on land across New Zealand based on environmental characteristics, including rock type and slope, and that—

- (a) classifies land into the following 4 categories of erosion susceptibility according to level of risk: low (green), moderate (yellow), high (orange), and very high (red); and
- (b) is provided in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)

existing river crossing—

- (a) means a river crossing that was operational and able to be used at the commencement of these regulations; and
- (b) includes a river crossing described in paragraph (a) that is used and maintained; but
- (c) does not include a river crossing—
 - (i) that is described in paragraph (a) that is upgraded, removed, or replaced in accordance with these regulations; or
 - (ii) that is a ~~ford or~~ a temporary river crossing

Exotic continuous-cover forest or exotic continuous-cover forestry means

- (a) 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—
 - (i) will not be harvested or replanted; or
 - (ii) is intended to be used for low-intensity harvesting or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) 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
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of indigenous forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes

exotic forest means a forest that consists of 50% or more exotic forest species by basal area

exotic forest species means a forest species that is not an indigenous forest species

fill means soil or aggregate, placed to raise the land surface, normally under a strict compaction regime

fish spawning means the bearing of live spawn or the deposit of eggs by fish

ford means a hard surface on the bed of a river (that is permanently or frequently overtopped by water) that allows the crossing of a river by machinery or vehicles

forest planning requirements mean the requirements set out in Schedules 3, 4, 5, and 6

forest species means a tree species capable of reaching at least 5 m in height at maturity where it is located

forestry infrastructure means structures and facilities that are required for the operation of the forest, including forestry roads, forestry tracks, river crossings, landings, fire breaks, stormwater and sediment control structures, and water run-off controls

forestry quarrying—

- (a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other commercial forestry infrastructure, including landings, river crossing approaches, abutments, and forestry tracks,—
 - (i) within a commercial forest; or
 - (ii) required for the operation of a commercial forest on adjacent land owned or managed by the owner of the plantation forest; and
- (b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but

- (c) does not include earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body

forestry road—

- (a) means a road that has the width, grade, strength, and pavement surface that allows a fully laden logging truck to safely traverse it and has all weather access; but
- (b) does not include a road managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency

forestry track—

- (a) means a track that allows the passage of forestry machinery or vehicles, but does not provide the width, grade, strength, or pavement surface to allow a fully laden logging truck to safely traverse it or lacks all-weather access; but
- (b) does not include a track managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency

fuel includes, but is not limited to, oil, hydraulic fluids, petrol, and diesel

GIS means geographic information system

green zone means the land mapped and classified with an erosion susceptibility rating of low in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)

harvesting—

- (a) means felling trees, extracting trees, thinning tree stems and extraction for sale or use (production thinning), processing trees into logs, or loading logs onto trucks for delivery to processing plants; but
- (b) does not include—
 - (i) milling activities or processing of timber; or
 - (ii) clearance of vegetation that is not commercial forest trees

heading up means a hydraulic head of water above the culvert inlet at times when the culvert's nominal capacity is exceeded

indigenous forest means a forest that consists of more than 50% indigenous forest species by basal area.

indigenous forest species means a forest species that occurs naturally in New Zealand or has arrived in New Zealand without human assistance.

indigenous vegetation means vegetation that is predominantly vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance

infrastructure has the same meaning as in section 2(1) of the Act, and includes flow recorder sites

Land Use Capability Class 8e means land defined as Land Use Capability Class 8e in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>) as having

severe to extreme erosion limitations or hazards that make the land unsuitable for arable, pastoral, or commercial forestry use

landing means an area of land where logs or tree lengths extracted from a commercial forest are accumulated, processed, and loaded for removal

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

maintenance and upgrade of existing earthworks—

- (a) includes—
 - (i) activities to upgrade existing forestry infrastructure or minor reshaping of existing forestry infrastructure; and
 - (ii) the installation and maintenance of water run-off control measures; and
 - (iii) road metalling; but
- (b) does not include forestry road widening or realignment

mechanical land preparation—

- (a) means using machinery to prepare land for replanting trees, including root-raking, discing, ripping, roller crushing, clearing slash, and mounding the soil into raised areas; but
- (b) does not include—
 - (i) the creation of alternating drains and planting mounds using a V-shaped blade attached to the front of a bulldozer; or
 - (ii) earthworks or forestry quarrying

National Policy Statement for Freshwater Management includes the National Policy Statement for Freshwater Management 2011, the National Policy Statement for Freshwater Management 2014, and any current edition of the National Policy Statement for Freshwater Management that has legal effect when the edition is being used

orange zone means the land mapped and classified with an erosion susceptibility rating of high in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)

outstanding freshwater body means a freshwater body that—

- (a) is identified in a regional policy statement or regional plan as having outstanding values, including any ecological, landscape, recreational, or spiritual values, however described; and
- (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area

outstanding natural features and landscapes means natural landscapes and features that—

- (a) are identified in a regional policy statement, regional plan, or district plan as outstanding, however described; and

- (b) are identified in the policy statement or plan by their location, including by a map, a schedule, or a description of the area

overburden means the overlying soil and rock that is removed to allow quarrying of the underlying material

papakāinga means a traditional layout of residential accommodation where dwellings are erected to exclusively house members of a whānau, hapū, or iwi, on land that is owned by the whānau, hapū, or iwi, and is Maori land within the meaning of section 4 of Te Ture Whenua Maori Act 1993 (including Māori customary land and Māori freehold land)

perennial river means a river that is a continually or intermittently flowing body of freshwater, if the intermittent flows provide habitats for the continuation of the aquatic ecosystem

plantation forest or plantation forestry means a forest deliberately established for commercial purposes, being—

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) 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
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes

~~**plantation forestry activity** means any activity regulated under subparts 1 to 9 of Part 2 of these regulations that is conducted in plantation forestry~~

pruning and thinning to waste means pruning commercial forest trees and thinning to waste involving the selective felling of commercial forest trees within a stand where the felled trees remain on site

red zone means the land mapped and classified with an erosion susceptibility rating of very high in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)

removable in-stream structure means a removable river crossing that—

- (a) has been designed with the structural integrity to withstand its intended loading without failure due to fracture, deformation, or fatigue for at least 2 years in its location; and
- (b) is designed to pass low flows through the structure and allow high flows and debris to flow over the top of the entire structure

replanting means the planting and growing of commercial forestry trees on land less than 5 years after commercial forestry harvesting has occurred

riparian zone means that margin and bank of a water body, including the area where direct interaction occurs between land and water systems, that is important for the management of water quality and ecological values

ripping means disturbing the subsoil to a depth of 30 to 90 cm with a single-tine or double-tine (or winged) ripper mounted on an agricultural tractor or a bulldozer

river has the same meaning as in section 2(1) of the Act

river crossing—

- (a) means—
 - (i) a structure that is required for the operation of a commercial forest and provides for vehicles or machinery to cross over a water body:
 - (ii) a ford; and
- (b) includes an apron and other structures and materials necessary to complete a river crossing; but
- (c) does not include a stormwater culvert or a culvert under a forestry road or forestry track

roller crushing means crushing and breaking up vegetation using a large heavy roller released down a slope or towed by a bulldozer or tractor

salvage operation means the urgent extraction of trees that have been damaged by fire or wind throw

sediment means solid material that—

- (a) is mineral or is mineral and organic; and
- (b) is in suspension, is being transported, or has been moved from the site of origin by air, water, gravity, or ice and has come to rest on the earth's surface, either above or below water

~~**sediment control measures** means structures or measures to slow or stop water with sediment in it, so that the sediment will drop out of suspension before the water from the site reaches a water body~~

sediment control measures means measures or structures that do 1 or more of the following:

- (a) stop sediment from being washed away from its source:
- (b) slow or stop water with sediment in it so that the sediment drops out of suspension before the water reaches a water body:
- (c) divert the flow of water so that it does not become contaminated with sediment

setback means the distance measured horizontally from a feature or boundary that creates a buffer within which certain activities cannot take place

shelter belt means a row or rows of trees or hedges planted to partially block wind flow

side cast means placing non-compacted fill or spoil that has been excavated from a cut to create forestry infrastructure on the downhill slope from the infrastructure

side cut means the excavation of an uphill slope that is required to create forestry infrastructure

significant natural area means an area of significant indigenous vegetation or significant habitat of indigenous fauna that—

- (a) is identified in a regional policy statement or a regional or district plan as significant, however described; and
- (b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria

single culvert means a river crossing structure made by using 1 culvert to carry the water flow and creating a surface on top of the culvert to cross a water body

slash means any tree waste left behind after commercial forestry activities

slash trap means a structure set in a river, on the bed of a river, or on land to trap slash mobilised by water

soffit means the lowest part of the span of a bridge

spoil means the by-product of excavations and earthworks

stormwater control measures means structures or measures to manage stormwater on formed surfaces, to reduce the volume or velocity of water run-off so as to reduce its power to entrain sediment

stormwater culvert means the culvert below the road profile that cross-drains water from the stormwater drain (the water table) at the inner edge of a forestry road or forestry track to its outer edge

stump line means points measured from the centre of the outer stumps of the commercial forestry trees previously harvested

subsoil means the layer of soil with low organic matter content—

- (a) with colour varying from brown, yellow-brown, red, or olive, or containing speckled colour patterns where poorly drained; and
- (b) at depths of 25 cm or more below the surface of the land

temporary river crossing—

- (a) means a river crossing that is in place for up to 2 months; and
- (b) includes a corduroy, which is a structure made by laying a culvert in the bed of a river to carry the water flow and creating a running surface approach using logs placed parallel to the culvert; but
- (c) does not include a bridge or ford

temporary single-span bridge means a single-span bridge that is in place for up to 2 years urban area—

- (a) means an area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities, together with adjoining special-purpose and open-space zones, however described; but

- (b) does not include an area zoned primarily for rural or rural-residential activities, however described

vegetation clearance—

- (a) means the disturbance, cutting, burning, clearing, damaging, destruction, or removal of vegetation that is not a commercial forest tree; but
- (b) does not include any activity undertaken in relation to a commercial forest tree

visual amenity landscape means a landscape or landscape feature that—

- (a) is identified in a district plan as having visual amenity values, however described; and
- (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area

water body has the same meaning as in section 2(1) of the Act

water run-off control measures means structures or measures to reduce the volume or velocity of water run-off and consequently reduce its power to entrain sediment

wetland has the same meaning as in section 2(1) of the Act

wilding conifer means a self-established conifer species tree resulting from seed spread from commercial forestry, shelter belts, amenity planting, or an already established wilding conifer species tree population

wilding tree risk calculator means the document DSS 1, “Calculating Wilding Spread Risk From New Plantings” in Appendix One of the document referred to in item 2 of Schedule 2 (Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”), as used in conjunction with those guidelines

wilding tree risk guidelines means the guidelines in the document referred to in item 2 of Schedule 2 (Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”)

yellow zone means the land mapped and classified with an erosion susceptibility rating of moderate in the electronic tool referred to in item 1 of Schedule 2 (<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>).

- (2) In these regulations,—
 - (a) a reference to a rule in a plan must be read as a reference to a rule in a district plan or regional plan within the meaning given in section 43AAB of the Act;
 - (b) a reference to a plan must be read as a reference to a district plan or regional plan within the meaning given in section 43AA of the Act;
 - (c) a reference to a policy statement must be read as a reference to a regional policy statement within the meaning given in section 43AA of the Act.
- (3) In these regulations,—
 - (a) a reference to matters over which control is reserved must be read as a reference to matters over which control is reserved for a territorial authority or regional council as a consent authority (see section 87A(2) of the Act):

- (b) a reference to matters to which discretion is restricted must be read as a reference to matters to which discretion is restricted for a territorial authority or regional council as a consent authority (see section 87A(3) of the Act).

Regulation 3(1) existing river crossing: inserted, on 1 May 2018, by regulation 4(2) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 3(1) papakāinga: amended, on 1 May 2018, by regulation 4(1) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Application

- (1) These regulations apply in respect of commercial forests to—
 - (a) afforestation:
 - (b) pruning and thinning to waste:
 - (c) earthworks:
 - (d) river crossings:
 - (e) forestry quarrying:
 - (f) harvesting:
 - (g) mechanical land preparation:
 - (h) replanting:
 - (i) ancillary activities relating to slash traps and indigenous and non-indigenous vegetation clearance:
 - (j) discharges, disturbances, diversions, noise, dust, indigenous bird nesting, and fuel storage and refuelling, which are referred to in the general provisions and conditions in subpart 10 of Part 2.
- (2) The general provisions and conditions in subpart 10 of Part 2 must be complied with in addition to the requirements and conditions in these regulations that apply to the associated commercial forestry activity.
- (3) These regulations do not apply to—
 - (a) vegetation clearance that is carried out before afforestation; or
 - (b) any activities or general provisions and conditions not specified in subclause (1).
- (4) If these regulations do not apply to a particular activity, there may be rules in regional or district plans that apply to that activity.
- (5) 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.

6 ~~Plan rules may be more stringent than these regulations~~ Relationship between rules and these regulations

National instruments

- (1) A rule in a plan may be more stringent than these regulations if the rule gives effect to—
 - (a) an objective developed to give effect to the National Policy Statement for Freshwater Management;
 - (b) any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.

Matters of national importance

- (2) A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of—
 - (a) outstanding natural features and landscapes from inappropriate use and development; or
 - (b) significant natural areas.

Unique and sensitive environments

- (3) A rule in a plan may be more stringent than these regulations if the rule manages any—
 - (a) activities in any green, yellow, or orange zone containing separation point granite soils areas that are identified in a regional policy statement, regional plan, or district plan;
 - (b) activities in any geothermal area or any karst geology that are identified in a regional policy statement, regional plan, or district plan;
 - (c) activities conducted within 1 km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a water body;
 - (d) forestry quarrying activities conducted over a shallow water table (less than 30 m below ground level) that is above an aquifer used for a human drinking water supply.
- (4) The areas and geology referred to in subclause (3)(b)—
 - (a) may be identified in a policy statement or plan by any form of description; and
 - (b) include only areas and geology where the location is identified in the policy statement or plan by a map, a schedule, or a description of the area or geology.

Afforestation

- (4A) A rule in a plan may be more stringent or lenient than subpart 1 of Part 2 of these regulations.

Definitions

- (5) In this regulation,—

geothermal area means an area that has surface expressions of geothermal processes or discharges, including steam-fed features and geothermal water-fed features

karst geology means a naturally occurring landform that is formed by the dissolution by fresh water of rock containing calcium carbonate, calcium-magnesium carbonate, or magnesium carbonate (such as limestone, marble, dolomite, or magnesite), and having 1 or more of the following features:

- (a) sinkholes:

- (b) fissured or fluted rock outcrops:
- (c) areas of discontinuous surface drainage that includes stream sinks or resurgence:
- (d) underground caves

upstream, in relation to an abstraction point, means,—

- (a) in the case of water (other than a lake), upstream of the abstraction point:
- (b) in the case of groundwater, up-gradient of the abstraction point:
- (c) in the case of a lake,—
 - (i) anywhere within the lake that could affect the water quality at the abstraction point (in the lake):
 - (ii) upstream of any river that could affect the water quality at the abstraction point (in the lake):
 - (iii) up-gradient of any groundwater that could affect the water quality at the abstraction point (in the lake).

Regulation 6(1)(a): amended, on 1 May 2018, by regulation 5 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

7 Material incorporated by reference

Schedule 2 lists the documents and electronic tools incorporated by reference in these regulations and their URLs (where available).

7A Joint notice permitted

If notice is required to be given under these regulations for more than 1 commercial forestry activity at the same time, a joint notice covering all the proposed activities is permitted

Part 2

Regulation of commercial forestry activities

Subpart 1—Afforestation

8 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 10, 11, 12 and 17(1)	Regional council and territorial authority
Regulations 9(1), 13, 14(1) and (2), 15(1) to (4), 16(1), and 17(2)	Territorial authority
Regulations 9(2), 14(3), 15(5) and (6), 16(2), and 17(3) and (4)	Regional council

9 Permitted activity

Territorial authority

- (1) Afforestation is a permitted activity if regulations 10, 11, 12, 13, 14(1) and (2), and 14A are complied with.

Regional council

- (2) Afforestation is a permitted activity if regulations 10, 11, 12, 14(3), and 14A are complied with, in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.

10 Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the location where the afforestation will occur and the proposed setbacks (including a description of how these were calculated); and
 - (b) the dates on which the afforestation is planned to begin and end.
- (2) Notice under subclause (1) must be given **at least 20 working days and no more than 8 months** before the date on which the afforestation is planned to begin.

10A Permitted activity conditions: afforestation management plan

- (1) An afforestation management plan is required for all afforestation activities.
- (2) An afforestation management plan must be provided to the relevant council on written request.
- (3) An afforestation management plan must include all forest planning requirements that apply to the afforestation activity.
- (4) Amendments to the afforestation management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Afforestation activities must be carried out in accordance with the afforestation management plan.

11 Permitted activity condition: wilding tree risk and control

Calculator

- (1) A wilding tree risk calculator score must be—
 - (a) applied to any land on which afforestation of a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) completed no more than **8 months** before notice is given under regulation 10.
- (2) In subclause (1), **suitably competent person** means a person with—
 - (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or

- (b) at least 5 years' experience in silviculture that includes forest establishment.
- (3) Afforestation of a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more.
- (4) ~~The relevant regional council and territorial authority must be given a copy of the wilding tree risk calculator calculation sheet and score required under sub-clause (1) at the same time as notice is given under regulation 10.~~
- (4) The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10:
 - (a) the score required under subclause (1) and the calculation sheet used to provide that score:
 - (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made.

Control measures

- (5) All wilding conifers resulting from the afforestation activity must be eradicated at least every 5 years after afforestation where established in wetlands or significant natural areas—
 - (a) on the same property on which the afforestation activity occurs; and
 - (b) on any other adjacent properties under the same ownership or management as that of the property on which the afforestation activity occurs.

Regulation 11(5): amended, on 1 May 2018, by regulation 6 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

12 Permitted activity condition: significant natural areas and outstanding features and landscapes

Afforestation must not occur within a significant natural area or an outstanding natural feature or landscape.

13 Permitted activity condition: visual amenity landscapes

Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict commercial forestry activities within that landscape.

14 Permitted activity condition: setbacks

Territorial authority

- (1) Afforestation must not occur—
 - (a) within 10 m of the boundary of an adjoining property that is not owned by the owner of the plantation forest or the land it is located on (unless that adjoining property is also commercial forest); or
 - (b) except in the case of a dwelling located on the same property as the proposed commercial forestry to be afforested, within the greater of—
 - (i) 40 m of a dwelling; and

- (ii) a distance where the forest species when fully grown would shade a dwelling between 10 am and 2 pm on the shortest day of the year, except where topography already causes shading; or
- (c) within 30 m of the boundary of land zoned in a district plan as a papakāinga or an urban area; or
- (d) within 10 m of a significant natural area.
- (2) Afforestation must not occur where a commercial forest tree, when fully grown, could shade a paved public road between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading.

Regional council

- (3) Afforestation must not occur—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width of less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (v) a significant natural area; or
 - (c) within 30 m of the coastal marine area.

15 Controlled activity

Territorial authority

- (1) Afforestation is a controlled activity if regulation 10 is not complied with.
- (2) For the purpose of subclause (1), control is reserved over the information on the activity required to be given in the notice under regulation 10(1).
- (3) Afforestation is a controlled activity if regulation 13 is not complied with.
- (4) For the purpose of subclause (3), control is reserved over the effects on the visual amenity values of the visual amenity landscape, including any future effects from commercial forestry activities.

Regional council

- (5) Afforestation is a controlled activity if regulation 10 is not complied with and the afforestation is in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.

- (6) For the purpose of subclause (5), control is reserved over the information on the activity required to be given in the notice under regulation 10(1).

16 Restricted discretionary activity

Territorial authority

- (1) Afforestation is a restricted discretionary activity if regulation 11, 12, or 14(1) or (2) is not complied with.

Regional council

- (2) Afforestation is a restricted discretionary activity if—
- (a) regulation 11, 12, or 14(3) is not complied with and the afforestation is in any—
- (i) green, yellow, or orange zone; or
 - (ii) red zone where the land proposed for afforestation is 2 ha or less in any calendar year; or
- (b) it is in any red zone and the land proposed for afforestation is more than 2 ha in any calendar year; or
- (c) the land proposed for afforestation is undefined in the erosion susceptibility classification.

Relevant local authority for afforestation within significant natural area or outstanding natural feature or landscape

- (3) If the land proposed for afforestation is within a significant natural area or an outstanding natural feature or landscape, a resource consent for the activity is required from the local authority that has identified that area, feature, or landscape within its plan or policy statement.

Regulation 16(3): inserted, on 1 May 2018, by regulation 7 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

17 Matters to which discretion is restricted

Territorial authority and regional council

- (1) If afforestation is a restricted discretionary activity under regulation 16(1) or (2)(a) for failing to comply with regulation 11 or 12, discretion is restricted to—
- (a) the level of wilding tree risk;
 - (b) the mitigation proposed to restrict wilding conifer spread, including the species to be planted;
 - (c) the effects on the values of the significant natural area or outstanding natural feature or landscape;
 - (d) the information and monitoring requirements.

Territorial authority

- (2) If afforestation is a restricted discretionary activity under regulation 16(1) for failing to comply with regulation 14(1) or (2), discretion is restricted to—

- (a) the effects on adjacent landowners, dwellings, land zoned in a district plan as a papakāinga, and urban areas:
- (b) the effects of shading, including icing on a paved public road:
- (c) the effects on the values of the significant natural area:
- (d) the information and monitoring requirements.

Regional council

- (3) If afforestation is a restricted discretionary activity under regulation 16(2)(a) for failing to comply with regulation 14(3), discretion is restricted to—
 - (a) the effects on ecosystems, fresh water, and the coastal environment:
 - (b) the effects on the values of the significant natural area:
 - (c) the information and monitoring requirements.
 - (d) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body
- (4) If afforestation is a restricted discretionary activity under regulation 16(2)(b) or (c), discretion is restricted to—
 - (a) the erosion and sedimentation effects, including effects on ecosystems, fresh water, and the coastal environment:
 - (b) measures to avoid, remedy, or mitigate erosion, including—
 - (i) ~~the planting location and species:~~
 - (ii) requirements to address geotechnical and slope stability effects of infrastructure location:
 - (iii) sequencing of harvesting:
 - (iv) requirements to re-establish effective vegetation cover post-harvest through replanting or other means:
 - (v) provision of slash traps and downstream debris retention structures:
 - (vi) ~~future harvesting and earthworks effects:~~
 - (c) the information and monitoring requirements.
 - (d) the planting location and species, including planting density and establishment practice:
 - (e) future harvesting and earthworks effects:
 - (f) the level of risk to communities and infrastructure that may be adversely affected by slash or sediment:
 - (g) the forest type (plantation or exotic continuous-cover):
 - (h) management requirements to avoid adverse effects on ecosystems, fresh water, the coastal marine area, communities, and infrastructure.

Subpart 2—Pruning and thinning to waste

18 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 19(1)	Territorial authority
Regulations 19(2), 20 and 21	Regional Council

19 Permitted activity

Territorial authority

- (1) Pruning and thinning to waste is a permitted activity.

Regional council

- (2) Pruning and thinning to waste is a permitted activity if regulation 20(1) or (2) is complied with.

20 Permitted activity conditions: slash

- (1) Slash from pruning and thinning to waste must not be deposited into a water body, onto the land that would be covered by water during a 5% AEP event, or into coastal water.
- (2) If subclause (1) is not complied with, slash from pruning and thinning to waste must be removed from a water body, the land that would be covered by water during a 5% AEP event, and coastal water, unless to do so would be unsafe, to avoid—
 - (a) blocking or damming of a water body:
 - (b) eroding river banks:
 - (c) significant adverse effects on aquatic life:
 - (d) damaging downstream infrastructure, property, or receiving environments, including the coastal environment.

21 Controlled activity: regional council

- (1) Pruning and thinning to waste is a controlled activity if regulation 20 is not complied with.
- (2) Control is reserved over—
 - (a) the effects on hydrological flow:
 - (b) methods used to minimise erosion and the deposit of slash:
 - (c) the effects on ecosystems, fresh water, and the coastal environment:
 - (d) the effects on downstream infrastructure and property:
 - (e) the information and monitoring requirements.

Subpart 3—Earthworks

22 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 23	Territorial authority
Regulations 24-35	Regional Council

23 Permitted activity: territorial authority

Earthworks are a permitted activity.

24 Permitted activity: regional council

- (1) Earthworks are a permitted activity if regulations 25 to 33 are complied with and the activity is as specified in subclause (2).
- (2) The earthworks may be—
 - (a) in a green or yellow zone; or
 - (b) in an orange zone with a land slope of less than 25 degrees; or
 - (c) in an orange zone with a land slope of 25 degrees or more and, in any 3-month period, comprise—
 - (i) side cutting to a height of 2 m to 3 m over a continuous length of no more than 100 m; and
 - (ii) the deposition of less than 500 m³ of spoil or fill; or
 - (d) in a red zone and, in any 3-month period, comprise—
 - (i) side cutting less than 2 m deep over a continuous length of no more than 50 m; and
 - (ii) the deposition of less than 100 m³ of spoil or fill.
- (2A) Earthworks referred to in subclauses (3) and (4) are exempted from the requirements in subclause (2)(c) and (d) and are a permitted activity if regulations 25 to 33 are complied with.
 - (3) The earthworks may be maintenance and upgrade of existing earthworks in any erosion susceptibility classification zone if the volume moved in any 3-month period is less than 5 000 m³.
 - (4) The earthworks may be forestry road widening or realignment in any erosion susceptibility classification zone if—
 - (a) the volume moved in any 3-month period is less than 5 000 m³; and
 - (b) where earthworks will be undertaken on a slope of more than 25 degrees, cut and fill road construction is used that involves—

- (i) construction of a forestry road heading on the same grade as the road, but below the road formation height, to provide a bench below a forestry road to contain and stabilise the fill slope road and create a stable base; and
- (ii) keying and compacting the fill to the bench; and
- (c) spoil material is end-hauled to a safe containment area in any circumstance where—
 - (i) earthworks will be undertaken on a slope of more than 35 degrees; or
 - (ii) spoil cannot be benched in a manner that retains stability; and
- (d) a record of any forestry road widening or realignment is maintained, and the record is available for inspection by the relevant council.

Regulation 24(1): amended, on 1 May 2018, by regulation 8(1) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 24(2A): inserted, on 1 May 2018, by regulation 8(2) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

25 Permitted activity conditions: notice

- (1) If earthworks involve more than 500m² of soil disturbance in any 3-month period, the relevant regional council must be given written notice of—
 - (a) the place where earthworks are to be carried out; and
 - (b) the dates on which the earthworks or road widening and realignment are planned to begin and end.
- (2) Notice under subclause (1) must be given—
 - (a) at least 20 and no more than 60 working days before the date on which the earthworks or road widening and realignment are planned to begin; or
 - (b) 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; or
 - (c) for earthworks that are required for salvage operations, a minimum of 2 days before the date on which the earthworks are planned to begin; or
 - (d) in the case of ongoing earthworks, annually
- ~~(2) Notice under subclause (1) must be given—~~
 - ~~(a) at least 20 and no more than 60 working days before the date on which the earthworks or road widening and realignment are planned to begin; or~~
 - ~~(b) a minimum of 2 days before the date on which any earthworks that are required for salvage operations are planned to begin; or~~
 - ~~(c) annually, in the case of ongoing earthworks.~~
- (3) The council may request a copy of the forestry earthworks management plan and a copy must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 27(2)(c) or (d).

Regulation 25(3): replaced, on 1 May 2018, by regulation 9 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

26 Permitted activity conditions: sediment

Sediment originating from earthworks must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

27 Permitted activity conditions: forestry earthworks management plan

- (1) A forestry earthworks management plan is required for all earthworks that involve more than 500 m² of soil disturbance in any 3-month period.
- (2) A forestry earthworks management plan must—
 - (a) identify the environmental risks associated with the earthworks and provide measures to avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - (b) ~~contain the details required by Schedule 4; and contain the details required by Schedule 3, but, if earthworks are to be undertaken without harvesting activities, there is no need to include the details required by clause 5 of that schedule or regulation 66; and~~
 - (c) be in place at least 20 working days before the earthworks begin; and
 - (d) if the earthworks are required for a salvage operation, be in place 2 days before the earthworks begin.
- (3) The forestry earthworks management plan must be provided to the relevant council on written request. The council may request that the forestry earthworks management plan be provided annually.
- (4) Material amendments to the forestry earthworks management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) In subclause (4), material amendment means any significant change to the location of forestry roads, forestry tracks, or landings, or changes to the matters required by subclause (2)(a) that would significantly change the methods used to manage environment effects.
- (6) If a forestry earthworks management plan is required under subclause (1), earthworks must be carried out in accordance with the plan.

28 Permitted activity conditions: operation

- (1) Earthworks in any orange or red zone that are not required for harvesting within 12 months must be stabilised within 20 working days of their completion.
- (2) Soil disturbance in ephemeral flow paths must avoid accelerated erosion, obstruction, or diversion of water flow.
- (3) In this regulation, ephemeral flow path means the route that water from intermittent rainfall events follows, if—

- (a) the flow path is an entrenched dry gully greater than 1 m deep; or
- (b) there is evidence of a channel within the valley system where overland flow occurs from time to time; or
- (c) there is evidence of erosion (such as gully erosion or headward gully erosion) associated with short-term water flow from time to time within the valley system; or
- (d) there is evidence of an active bed activated by rain events.

29 Permitted activity conditions: setbacks

- (1) Earthworks must not occur within 10 m of—
 - (a) a perennial river; or
 - (b) wetlands larger than 0.25 ha; or
 - (c) lakes larger than 0.25 ha; or
 - (d) an outstanding freshwater body; or
 - (e) a water body subject to a water conservation order.
- (2) Earthworks must not occur within 30 m of the coastal marine area.
- (3) The setbacks in subclause (1) do not apply—
 - (a) if the earthworks are for the construction and maintenance of a river crossing, a sediment or water control measure, or a slash trap or debris retention structure; or
 - (b) if the earthworks within the setback will result in less than 100 m² of soil disturbance in any 3-month period, and are not within 5 m of the water body; or
 - (c) during the maintenance and upgrade of existing earthworks.

30 Permitted activity conditions: fill and spoil

Fill

- (1) Fill must contain no more than 5% (by volume) of vegetation and wood.

Spoil

- (2) Spoil must not be deposited—
 - (a) where it may cause failure of the deposited material or the underlying land; or
 - (b) over slash or woody vegetation; or
 - (c) into a water body, coastal water, or a significant natural area; or
 - (d) onto land in circumstances that may result in the spoil or sediment entering water.

31 Permitted activity conditions: sediment and stormwater control measures

- (1) All disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—
 - (a) the diversion or damming of any water body; or

- (b) damage to downstream infrastructure, property, or receiving environments including the coastal environment.
- (2) Stormwater, water run-off, and sediment control measures must be installed and maintained.
- (3) Batters, cuts, and side cast construction must use methods that maintain stability.
- (4) The minimum stormwater culvert internal diameters for any forestry road or forestry track are—
 - (a) 325 mm internal diameter in any green, yellow, or orange zone with a land slope of less than 25 degrees:
 - (b) 375 mm internal diameter in any orange zone with a land slope of 25 degrees or more in any red zone.

32 Permitted activity conditions: stabilisation

- (1) Exposed areas of soil, except firebreaks, that may result in sediment entering water must be stabilised as soon as practicable after completion of the activity, but no later than the last day of the autumn or the spring, whichever is sooner, after completion of the activity.
- (2) Suitable measures for stabilisation include—
 - (a) seeding:
 - (b) vegetative cover, mulch, or slash cover:
 - (c) compacting, draining, roughening, or armouring by the placement of rock or the use of other rigid materials.

33 Permitted activity conditions: roads, tracks, and landings

- (1) Forestry roads, forestry tracks, and landings must be managed and aligned to—
 - (a) divert water run-off and disperse water flows to stable ground and away from constructed fill; and
 - (b) minimise disturbance to earthflows and gullies.
- (2) In this regulation, earthflow means rapid flowing of soil and underlying weathered material on slopes of between 10 and 20 degrees that is characterised by—
 - (a) an overthrust bulging dome at the toe, a depressed, fissured, and disrupted centre upslope, and slipping or slumping at the head; and
 - (b) prominent transverse cracks, particularly in the upper region of the movement.

34 Controlled activity: regional council

- (1) Earthworks are a controlled activity if the earthworks are in an area and of a volume specified in regulation 24, and regulation 25 is not complied with.
- (2) Control is reserved over the information on the activity required by the notice under regulation 25(1).

35 Restricted discretionary activity: regional council

- (1) Earthworks are a restricted discretionary activity if the earthworks are in an area and of a volume set out in regulation 24, and any provision of regulations 26 to 33 is not complied with.
- (2) Earthworks are a restricted discretionary activity in—
 - (a) any orange zone with a land slope of 25 degrees or more where the threshold specified in regulation 24(2)(c) is exceeded; and
 - (b) any red zone where the threshold specified in regulation 24(2)(d) is exceeded; and
 - (c) any zone where the earthworks are the maintenance and upgrade of existing earthworks and exceed the threshold in regulation 24(3); and
 - (d) any zone where the earthworks are for forestry road widening or realignment and exceed the thresholds and standards in regulation 24(4); and
 - (e) any area where the land is undefined in the erosion susceptibility classification.
- (3) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the effects on ecosystems, fresh water, and the coastal environment;
 - (c) the effects on vegetation in the riparian zone;
 - (d) the method of stabilising soil disturbance;
 - (e) the method of sediment retention and run-off management;
 - (f) stormwater control measures;
 - (g) the methods used to minimise erosion;
 - (h) the placement and management of cuts, fill, or spoil likely to cause slope instability;
 - (i) the preparation and content of the forestry earthworks management plan;
 - (j) the information and monitoring requirements.
 - (k) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)

Regulation 35(2)(c): replaced, on 1 May 2018, by regulation 10 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 35(2)(d): inserted, on 1 May 2018, by regulation 10 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 35(2)(e): inserted, on 1 May 2018, by regulation 10 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Subpart 4—River crossings

36 Functions for this subpart

The functions of regional councils under section 30 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 37 to 49	Regional Council

37 Permitted activity: regional council

- (1) Constructing, using, maintaining, or removing a river crossing that is a [single, double, or battery culvert](#), drift deck, single-span bridge, [removable in-stream structure](#), or ford is a permitted activity if regulations 38 to 45 are complied with and—
 - (a) a single [or double](#) culvert complies with regulation 46(1):
 - (b) a battery culvert complies with regulation 46(2):
 - (c) a drift deck complies with regulation 46(3):
 - (d) a ford complies with regulation 46(4):
 - (e) a single-span bridge complies with regulation 46(5).
 - (f) [a removable in-stream structure complies with regulation 46\(8\)](#).
- (2) Constructing, using, maintaining, or removing a temporary river crossing or temporary single-span bridge is a permitted activity if regulations 38 to 41 and 43 to 45 are complied with and—
 - (a) a temporary river crossing complies with regulation 46(6):
 - (b) a temporary single-span bridge complies with regulations 42 and 46(5)(b), (c), and (d), and (7).
- (3) Using or maintaining an existing river crossing is a permitted activity if regulations 39 to 42 are complied with.

Regulation 37(3): inserted, on 1 May 2018, by regulation 11 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

38 Permitted activity condition: notice

- (1) The relevant regional council must be given written notice of—
 - (a) the date on which the construction or removal of a river crossing, other than a temporary river crossing, is planned to begin; and
 - (b) the location of the river crossing.
- (2) Notice under subclause (1) must occur at least 20 and no more than 60 working days before the date on which the river crossing activity is planned to begin.
- (3) Subclauses (1) and (2) do not apply to maintenance of a river crossing.

39 Permitted activity condition: effects on other structures and users

A river crossing must not—

- (a) alter the natural alignment or gradient of the river; or
- (b) compromise the structural integrity or use of any other lawfully established structure or activity in the bed of the river or lake; or
- (c) dam or divert water in a way that causes flooding or ponding on any property owned or occupied by a person other than the owner of the commercial forest.

40 Permitted activity condition: passage of fish

~~(1) River crossings must provide for the upstream and downstream passage of fish in rivers, except where the relevant statutory fisheries manager advises the relevant regional council in writing that to provide for the passage of fish would have an adverse effect on the fish population upstream of the river crossing.~~

(1) River crossings must provide for the upstream and downstream passage of fish, unless—

- (a) the relevant statutory fisheries manager advises the relevant regional council in writing that to provide for the passage of fish would have an adverse effect on the fish population upstream of the river crossing; or
- (b) the relevant regional council has determined that fish passage must be restricted

(2) River crossings must provide for fish passage by maintaining river bed material in any structure that would be in place of the river bed.

41 Permitted activity condition: erosion and sediment discharge from use

- (1) The presence of the river crossing must not cause or induce erosion of the bed, or erosion or instability of the banks of the water body, or create sedimentation.
- (2) Approaches to and abutments of river crossings must be stabilised to avoid erosion and sedimentation.
- (3) Surface run-off from roads must be diverted away from water bodies within 10 m of the river crossing.

42 Permitted activity condition: maintenance

The river crossing must be maintained to avoid aggradation or erosion of the bed of the water body.

43 Permitted activity condition: location

A river crossing must not be constructed—

- (a) in a wetland larger than 0.25 ha; or
- (b) in a wetland of 0.25 ha or less, where the river crossing extends over more than 20 m in length within the wetland; or
- (c) within an outstanding freshwater body; or
- (d) within a water body subject to a water conservation order; or
- (e) within a significant natural area; or

- (f) less than 500 m upstream of a dwelling that is within 15 m of a river bed that is 3 m or more wide; or
- (g) downstream of a dwelling with a ground-floor level that is less than 1 m above the highest part of the river crossing.

44 Permitted activity condition: contaminant discharges and depositing organic matter

If a river crossing is being constructed, maintained, or removed,—

- (a) the activity must discharge no contaminants into water, other than sediment; and
- (b) all practicable steps must be taken to—
 - (i) avoid depositing organic matter or discharging sediment into a water body, or onto land in circumstances that may result in it entering water; and
 - (ii) minimise the disturbance of the bed of the river; and
 - (iii) minimise the disturbance of wetlands; and
- (c) all practicable steps must be taken to avoid wet concrete or concrete ingredients coming into contact with flowing or standing water; and
- (d) elevated sediment levels resulting from the construction, maintenance, or removal of a river crossing must not occur for longer than 8 consecutive hours; and
- (e) all machinery must be kept out of flowing or standing water, except where machinery must cross the bed of a water body for the purpose of river crossing construction, maintenance, or removal; and
- (f) all excess materials and equipment must be removed from the bed of the water body within 5 working days of the completion of the river crossing construction, maintenance, or removal.

45 Permitted activity condition: flow calculations

- (1) Flood flow estimations must be calculated for all river crossings, except fords, using 1 or more of the following:
 - (a) ~~the document referred to in item 3 of Schedule 2 (Flood Estimation—A Revised Design Procedure)~~: [the document referred to in item 3 of Schedule 2 \(Regional Flood Estimation Tool for New Zealand Part 2\)](#);
 - (b) the document referred to in item 4 of Schedule 2 (Technical Memorandum Number 61);
 - (c) the document referred to in item 5 of Schedule 2 (Comparison of a regional method for estimating design floods with two rainfall-based methods).
- (2) On request by the relevant regional council, records of the calculations must be made available within 20 working days.

Regulation 45(1)(c): amended, on 1 May 2018, by regulation 12 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

46 Permitted activity conditions specific to various classes of river crossings

Single and double culverts

- (1) The following conditions apply to single culverts:
 - (a) the calculated 5% AEP storm flow from the catchment above the river crossing point must be no greater than 5.5 m³ per second for a single culvert and 7.5 m³ per second for a double culvert:
 - (b) the culvert must be designed to pass a 5% AEP flood event without heading up:
 - (c) the culvert diameter must be must have an internal diameter of at least 450 mm:
 - (d) the highest point of the river crossing, measured at the inlet end, must be no greater than 3.5 m above the river bed:
 - (e) the fill depth and construction must comply with the culvert manufacturer's specifications:
 - (f) ~~at installation, the culvert invert must be located so that at least 20% of the culvert's diameter is below the river bed level~~ at installation, the culvert invert must be located so that at least 25% of the culvert's external diameter is below the river bed level, unless it is not possible to achieve 25% embedment, in which case best endeavours must be made to comply with this condition:
 - (g) where the bankfull channel width is 3 m or more, the bed invert gradient must be no greater than 6%, measured 50 m upstream and downstream of the river crossing:
 - (h) the culvert inlet (entry point) and outlet (exit point) must be protected from erosion:
 - (i) culvert approaches and fill must be constructed using successively compacted layers of clean fill that is free of organic matter.

Battery culverts

- (2) The following conditions apply to battery culverts:
 - (a) the contributing catchment must be less than 500 ha:
 - (b) the maximum height of the river crossing measured from the river bed must not exceed 800 mm:
 - (c) the diameter of each culvert must be at least 450 mm but not exceed 800 mm, except that the culvert that carries base flow must be at least 450 mm but not exceed 1 200 mm:
 - (d) the invert of at least 1 culvert pipe must be at least 100 mm below the river bed level and positioned to carry base flow:
 - (e) the culvert pipe inlets (entry point) and outlets (exit point) must be protected from erosion:
 - (f) culvert approaches must be protected from erosion:
 - (g) if the bankfull channel width is 3 m or more, the bed invert gradient, measured 50 m upstream and downstream of the river crossing, must be no greater than 6%:
 - (h) the culvert must be sized to pass annual average flow and must be constructed to allow greater flows to pass over it without structural failure.

Drift decks

- (3) The following conditions apply to drift decks:
 - (a) the contributing catchment must be less than 500 ha:
 - (b) the approaches and outlets must be protected from erosion:
 - (c) if the bankfull channel width is 3 m or more and the bed invert gradient measured 50 m upstream and downstream of the river crossing is greater than 6%, 2 discrete footings must be used to embed the drift deck into the substrate, to maintain the natural bed material under the structure.

Fords

- (4) The following conditions apply to fords:
 - (a) to minimise sediment release to the water body, water from the forestry road or forestry track surface must be intercepted, and passed through a sediment treatment structure positioned as close as practicable to the water body, above the annual flood flow level:
 - (b) use of the ford must not cause a conspicuous change in colour or visual clarity beyond a 100 m mixing zone downstream of the ford for more than 30 consecutive minutes after use of the ford:
 - (c) a new ford is not permitted in a river listed in a regional plan or water conservation order as a habitat for threatened indigenous fish or a fish spawning area.

Single-span bridges

- (5) The following conditions apply to single-span bridges:
 - (a) there must be at least 1 m clearance of the bridge soffit above the design flood level, from a 2% AEP event:
 - (b) bridges must not decrease the bankfull channel width or top flow width by more than 10%:
 - (c) the abutments or foundations must be constructed parallel to the channel:
 - (d) a bridge on a navigable water body must permit continued navigability.

Temporary river crossings

- (6) The following conditions apply to temporary river crossings:
 - (a) excavation of the banks or bed of a river must not exceed 200 m²:
 - (b) if logs are placed in the bed of a river, a culvert at least 300 mm in diameter must be placed in the bed first:
 - (c) all river crossing materials must be removed from the bed of a river within 1 week of the completion of the construction or removal of the river crossing.

Temporary single-span bridges

- (7) The following conditions apply to temporary single-span bridges:
 - (a) bridges must be constructed to pass the flood flow from a 5% AEP event under the bridge soffit; and

- (b) bridges must be constructed to enable the passage of bed material.

Removable in-stream structures

- (8) The following conditions apply to removable in-stream structures:
 - (a) the structure may be in a location for a period not exceeding 2 years:
 - (b) the contributing catchment must be less than 500 ha:
 - (c) the bed gradient, measured 50 m upstream and downstream of the river crossing, must be less than 10%:
 - (d) the approaches and outlets must be protected from erosion:
 - (e) the structure must be anchored:
 - (f) the structure must be maintained so as to avoid debris build-up and blockage:
 - (g) the structure must be constructed so as to allow flows to pass over it without structural failure.

47 Controlled activity: regional council

Controlled activity

- (1) Constructing, using, maintaining, or removing a single, **double** or battery culvert is a controlled activity if regulation 45 or 46(1) or (2), as the case requires, is not complied with and—
 - (a) the culvert will pass a 5% AEP flood event; and
 - (b) the highest point of the river crossing, measured at the inlet end, is no more than 4 m above the river bed; and
 - (c) the culvert position complies with the manufacturer’s minimum height specifications.
- (2) Constructing, using, maintaining, or removing a single-span bridge is a controlled activity if regulation 45 or 46(5) is not complied with and the contributing catchment is less than 5 000 ha.
- (3) Constructing, using, maintaining, or removing any river crossing (including a single, **double** or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing) is a controlled activity if regulation 38 is not complied with.

Matters over which control is reserved

- (4) For the purpose of subclause (1), control is reserved over—
 - (a) the timing of any bed disturbance in relation to adverse effects on aquatic ecosystems:
 - (b) measures to minimise the duration and extent of bed disturbance:
 - (c) measures to avoid, remedy, or mitigate the adverse effects of the structure on—
 - (i) property owned or occupied by a person other than the owner of the commercial forest, including flooding or ponding; and
 - (ii) natural water flow and flood flows:

- (d) measures to avoid or mitigate the risk of soil or debris being discharged into water or onto land in circumstances that may result in it entering the water body:
- (e) engineering design relating to—
 - (i) the catchment area above the culvert:
 - (ii) the culvert size and location:
 - (iii) the number of culverts in the bed:
 - (iv) the passage of debris and bed sediment in flood events exceeding the culvert design, to cover bypass and overtop design matters:
 - (v) the structural stability of the culvert embankment:
 - (vi) the detained water volume, upstream of the culvert embankment:
- (f) measures to account for any adverse effects of the culvert arising from—
 - (i) the prevailing bed gradient and flow power:
 - (ii) the fill height above the culvert, for dam failure assessment:
 - (iii) the velocity of water from the culvert:
 - (iv) design flood levels:
 - (v) soil type and geology:
- (g) construction standards, including for headwall and apron:
- (h) information and monitoring requirements for the maintenance of the culvert, including removal of the structure if it is damaged or becomes redundant.
- (5) For the purpose of subclause (2), control is reserved over—
 - (a) the timing of any bed disturbance in relation to adverse effects on aquatic ecosystems:
 - (b) measures to account for—
 - (i) prevailing slope stability (including local stability of approaches and abutments):
 - (ii) soffit height above the 2% AEP flood level:
 - (iii) design flood levels:
 - (iv) location, so as not to decrease the bankfull channel width or flow top width by more than 10%:
 - (v) soil type and geology:
 - (c) erosion protection works:
 - (d) location of the single-span bridge:
 - (e) information and monitoring requirements for the maintenance of the bridge, including removal of the structure if it is damaged or becomes redundant:
 - (f) matters affecting navigation in navigable water bodies.

- (6) For the purpose of subclause (3), control is reserved over the information on the activity required by the notice under regulation 38(1).

48 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Constructing, using, maintaining, or removing any single, **double** or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing is a restricted discretionary activity if any provision of regulations 38 to 46 is not complied with and the activity is not classified as a controlled activity.
- (1A) Using or maintaining an existing river crossing is a restricted discretionary activity if any provision of regulations 39 to 42 is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) aspects of engineering relating to characteristics of the site, design, and construction of the river crossing, to—
- (i) avoid causing flooding or ponding on any property owned or occupied by a person other than the owner of the commercial forest:
 - (ii) avoid altering the natural course of the river:
 - (iii) avoid causing or inducing erosion of the bed or instability of the banks:
 - (iv) avoid instability of the structure and approaches, and obstructions to the passage of debris and bed sediment, in an event exceeding the capacity of the river crossing design, including—
 - (A) the number and capacity of culverts, where fill height is greater than 2.5 m:
 - (B) the design flood level and design of protection works and upstream ramps for drift decks:
 - (C) detained water volume, upstream of the culvert embankment:
 - (D) provision for bypass or overtopping:
 - (v) avoid compromising the structural integrity or use of any other structure or activity in the bed, including structures and activities downstream of the river crossing, that are at risk if the river crossing fails, including the composition and strength of the culvert embankment:
 - (vi) avoid culverts heading up, in events less frequent than 2% AEP:
 - (vii) avoid affecting navigation in navigable water bodies:
- (b) measures to—
- (i) minimise effects on water quality, including those from the release of sediment due to bed disturbance, run-off from pouring concrete, and impediments to bed load sediment transport:

- (ii) avoid or mitigate the deposition of soil or other debris into water or onto land in circumstances that may result in it entering water:
- (iii) minimise the duration and extent of bed disturbance:
- (iv) avoid, remedy, or mitigate the adverse effects of the structure on—
 - (A) erosion or land instability, including erosion protection works:
 - (B) natural water flow and flood flows:
 - (C) the permanent passage of fish:
 - (D) aquatic ecosystems, including indigenous biodiversity:
- (v) maintain the structure, including removal of accumulated debris:
- (c) cumulative effects of multiple river crossings within a catchment:
- (d) alternative roading and river crossing routes:
- (e) the information and monitoring requirements.
- (f) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)

Regulation 48(1A): inserted, on 1 May 2018, by regulation 13 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

49 Discretionary activity: regional council

Constructing, using, maintaining, or removing a river crossing is a discretionary activity where it is a river crossing that is not within the following classes: a single, [double](#) or battery culvert, drift deck, single-span or temporary single-span bridge, ford, or temporary river crossing.

Subpart 5—Forestry quarrying

50 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 52(1) and (2)	Regional Council and territorial authority
Regulations 51(1), 53, 54(1) and (2), 57, 60(1) and (2), and 61(1) and (2)	Territorial authority
Regulations 51(2), 52(3), 54(3) and (4), 55, 56, 58, 59, 60(3) and (4), and 61(3), (4), and (5)	Regional Council

51 Permitted activity

Territorial authority

- (1) Forestry quarrying is a permitted activity if regulations 52(1) and (2), 53, 54(1) and (2), and 57 are complied with.

Regional council

- (2) Forestry quarrying is a permitted activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulations 52, 54(3) and (4), 55, 56, 58, and 59 are complied with.

52 Permitted activity conditions: notice

Territorial authority and regional council

- (1) If the volume extracted from a forest quarry exceeds 200 m³ in any calendar year, the relevant regional council and territorial authority must be given written notice of—
- (a) the place where the forestry quarrying is to be carried out and the proposed setbacks (including a description of how they were calculated); and
 - (b) the dates on which the forestry quarrying is planned to begin and end.
- ~~(2) Notice under subclause (1) must occur—~~
- ~~(a) at least 20 and no more than 60 working days before the date on which the forestry quarrying is planned to begin; or~~
 - ~~(b) annually, in the case of ongoing forestry quarrying.~~
- (2) Notice under subclause (1) must be given—
- (a) at least 20 and no more than 60 working days before the date on which the forest quarrying is planned to begin; or
 - (b) 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; or
 - (c) in the case of ongoing forest quarrying, annually

Regional council

- (3) The council may request a copy of the quarry erosion and sediment management plan, and the copy must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 59(3).

Regulation 52(3): replaced, on 1 May 2018, by regulation 14 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

53 Permitted activity conditions: visibility

A forest quarry that is within 2 km of a dwelling under different ownership or management from that of the land on which the quarry is located and is visible from the dwelling—

- (a) must not quarry more than 5 000 m³ of material within a 5-year period; and
- (b) must not be closer than 500 m from any other quarry at which forestry quarrying exceeds 200 m³ per calendar year.

54 Permitted activity conditions: setbacks

Territorial authority

- (1) New forestry quarrying must not be undertaken within 500 m of—
 - (a) a dwelling under different ownership or management from that of the land on which the forest quarry is located; or
 - (b) the boundary of an urban area or a papakāinga.
- (2) Excavated overburden must not be deposited within 20 m of an adjoining property under different ownership or management from that of the land on which the forest quarry is located.

Regional council

- (3) Forestry quarrying must not be undertaken within 20 m of—
 - (a) a perennial river; or
 - (b) a wetland larger than 0.25 ha; or
 - (c) a lake larger than 0.25 ha.
- (4) Forestry quarrying must not be undertaken within 30 m of the coastal marine area.

55 Permitted activity conditions: deposition, stabilisation, and restoration

- (1) Excavated overburden must not be deposited—
 - (a) where it may cause failure of the deposited material or the underlying land; or
 - (b) over slash or woody vegetation; or
 - (c) into a water body, coastal water, or a significant natural area, or within a setback referred to in regulation 54(3) or (4); or
 - (d) onto land in circumstances which may result in sediment entering water.

- (2) Overburden and exposed spoil generated from quarrying activities must be stabilised within 6 months of exposure to prevent soil erosion and sediment export.
- (3) All topsoil stripped from the surface of the land must be retained on the property for future restoration of the land.
- (4) Within 2 months of the quarry being deactivated, the land must be restored to a stable land form.
- (5) In this regulation, topsoil means the surface layer of soil, enriched by organic matter and dark brown to black in colour, to a maximum depth of 25 cm.

56 Permitted activity conditions: sediment and stormwater control measures

Sediment

- (1) Sediment originating from forestry quarrying must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in receiving waters:
 - (a) any conspicuous change in colour or visual clarity;
 - (b) the rendering of fresh water unsuitable for consumption by farm animals;
 - (c) any significant adverse effect on aquatic life.

Sediment and stormwater control measures

- (2) All disturbed soil must be stabilised or contained to avoid it causing—
 - (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments including the coastal environment.
- (3) Stormwater, water run-off, and sediment control measures must be installed and maintained.
- (4) Batters, cuts, and side cast construction must use methods that maintain stability.

57 Permitted activity conditions: traffic management

~~Forestry quarry material must not be transported on a public road unless—~~

- ~~(a) quarry material is being transported to a property under the same ownership or management as that of the plantation forest; and~~
- ~~(b) debris and soil is removed from wheels of vehicles transporting quarry material before vehicles exit the property on which the quarry is located; and~~
- ~~(c) the material is transported 2 km or less; and~~
- ~~(d) vehicles carrying quarry material do not travel through any area zoned in a district plan or proposed district plan as—~~
 - ~~(i) an urban area; or~~
 - ~~(ii) primarily for rural residential or country living activities (however described).~~

58 Permitted activity conditions: aquifers

- (1) The deepest excavation of a quarry must not extend—
 - (a) into the aquitard above a confined aquifer; or
 - (b) within 1 m of the seasonal high water table level above an unconfined aquifer.
- (2) In this regulation,—

aquifer means a water-saturated zone of the ground that will yield groundwater to bores or springs at a sufficient rate to serve as an adequate source of water

aquitard means a low-permeability soil layer that restricts the flow of groundwater from one aquifer to another

confined aquifer means a saturated water-bearing formation that does not have a free water table and is protected by an aquitard from surface contamination

seasonal high water table means the highest groundwater elevation that the water table has reached between the months of June and August (inclusive) at the time the activity is established

unconfined aquifer means a saturated water-bearing formation that has a free water table and is not protected by an aquitard from surface contamination.

59 Permitted activity conditions: quarry erosion and sediment management plan

- (1) A quarry erosion and sediment management plan that contains the details required by [Schedule 5](#) must be prepared for any forest quarry if the volume extracted exceeds 200 m³ in any calendar year.
- (2) The quarry erosion and sediment management plan must identify the environmental risks associated with the quarrying activities and provide measures to avoid, remedy, or mitigate the adverse effects of the activity on the environment.
- (3) The quarry erosion and sediment management plan must be in place at least 20 working days before the forestry quarrying begins.
- (4) The quarry erosion and sediment management plan must be provided to the relevant council on written request. The council may request that the quarry erosion and sediment management plan be provided annually.
- (5) Material amendments to the quarry erosion and sediment management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (6) In subclause (5), **material amendment** means any significant change, such as the relocation of quarry roads, or changes to the matters required by subclause (2) that would significantly change the methods used to manage environmental effects.
- (7) If a quarry erosion and sediment management plan is required under subclause (1), any quarrying activities must be undertaken in accordance with the plan.

60 Controlled activity

Controlled activity: territorial authority

- (1) Forestry quarrying is a controlled activity if regulation 52(1) or (2) is not complied with.

Matters over which control is reserved

- (2) For the purpose of subclause (1), control is reserved over the information on the activity required by the notice under regulation 52(1).

Controlled activity: regional council

- (3) Forestry quarrying is a controlled activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulation 52, 55, 56(2), (3), or (4), 58, or 59 is not complied with.

Matters over which control is reserved

- (4) For the purpose of subclause (3), control is reserved over—
- (a) the timing, location, and duration of the activity:
 - (b) the area and volume of forestry quarrying:
 - (c) the disposal of fill and overburden:
 - (d) the method of stabilisation of disturbed soil, fill, and overburden:
 - (e) stormwater control:
 - (f) sediment retention and run-off management methods:
 - (g) effects on ecosystems, fresh water, and the coastal environment:
 - (h) effects on vegetation in the riparian zone:
 - (i) measures to rehabilitate land:
 - (j) the dimensions of cut and fill:
 - (k) the preparation and content of a quarry erosion and sediment management plan:
 - (l) the information and monitoring requirements.

61 Restricted discretionary activity

Restricted discretionary activity: territorial authority

- (1) Forestry quarrying is a restricted discretionary activity if regulation 53, 54(1) or (2), or 57 is not complied with.

Matters to which discretion is restricted

- (2) For the purpose of subclause (1), discretion is restricted to—
- (a) the timing, location, and duration of the activity:
 - (b) the visual, dust, and noise effects on adjoining properties:
 - (c) the dimensions of cut and fill:
 - (d) the effects on traffic and public roading infrastructure:
 - (e) the effects on adjacent landowners, dwellings, urban areas, and papakāinga:
 - (f) the information and monitoring requirements.

Restricted discretionary activity: regional council

- (3) Forestry quarrying is a restricted discretionary activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulation 54(3) or (4) or 56(1) is not complied with.
- (4) Forestry quarrying is a restricted discretionary activity in any—
 - (a) red zone:
 - (b) earthflow terrain in any orange zone:
 - (c) area of land that is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (5) For the purpose of subclause (3) or (4), discretion is restricted to—
 - (a) the timing, location, and duration of the activity:
 - (b) the area and volume of forestry quarrying:
 - (c) the disposal of fill and overburden:
 - (d) the method of stabilisation of disturbed soil, fill, and overburden:
 - (e) stormwater control:
 - (f) sediment retention and run-off management methods:
 - (g) the effects on ecosystems, fresh water, and the coastal environment:
 - (h) the effects on vegetation in the riparian zone:
 - (i) measures to rehabilitate land:
 - (j) the dimensions of cut and fill:
 - (k) the preparation and content of a quarry erosion and sediment management plan:
 - (l) the information and monitoring requirements.

Subpart 6—Harvesting

62 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 64(1) and (2), 71A and 71B	Regional Council and territorial authority
Regulations 63(1) and 70(1) and (2)	Territorial authority
Regulations 63(2) and (3), 64(3), 65 to 69, 70(3) and (4), 71 and 71C	Regional Council

62A Application of provisions in this subpart

- (1) Regulations 63 to 71 apply in respect of plantation forests.
- (2) Regulations 71A to 71C apply in respect of exotic continuous-cover forests.

Plantation forests

63 Permitted activity

Territorial authority

- (1) Harvesting is a permitted activity if regulation 64(1) and (2) is complied with.

Regional council

- (2) Harvesting is a permitted activity if regulations 64 to 69 are complied with and the harvesting is in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone that is not of Land Use Capability Class 8e, where it involves no more than 2 ha of harvesting in any 3-month period.
- (3) ~~Harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of plantation forest land (low intensity harvesting)~~ Low intensity harvesting is a permitted activity in all erosion susceptibility classification zones if regulations 64 to 69 are complied with.

64 Permitted activity conditions: notice

Territorial authority and regional council

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the place where harvesting will be carried out; and
 - (b) the dates on which the harvesting is planned to begin and end.
- (2) Notice under subclause (1) must occur—

- (a) at least 20 and no more than 60 working days before the date on which the harvesting is planned to begin; or
- (b) a minimum of 2 days before the date on which harvesting required for salvage operations is planned to begin; or
- (c) annually, in the case of ongoing harvesting operations.

Regional council

- (3) After notice is given under subclause (1), the council may request a copy of the harvest plan and a copy of the harvest plan must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 66(2)(c).

65 Permitted activity conditions: sediment

Sediment originating from harvesting must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

66 Permitted activity conditions: harvest plan

- (1) A harvest plan is required for all erosion susceptibility classification zones.
- (2) A harvest plan must—
 - (a) identify the environmental risks associated with the earthworks and provide operational responses to those risks that avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - ~~(b) contain the details required by Schedule 6; and contain the details required by Schedule 3, but, if harvesting activities are to be undertaken without earthworks, there is no need to include the details required by clause 4 of that schedule or regulation 27; and~~
 - (b) contain the details required by Schedule 6; and
 - (c) be in place at least 20 working days before harvesting begins, except where the harvesting is a salvage operation; and
 - (d) if the harvesting is a salvage operation, be in place before harvesting begins.
- (3) In the case of any orange or red zone, a harvest plan must be accompanied by a forestry earthworks management plan that contains the details required by [Schedule 4](#) or a [combined plan that contains all the details required by Schedules 4 and 6](#).
- (4) The harvest plan must be provided to the relevant council on written request. The council may request that the harvest plan be provided annually.
- (5) Material amendments to the harvest plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.

(6) In subclause (5), material amendment means any significant change in harvest regime, such as changing from ground-based to hauler, or changes to the matters required by subclause (2) that would change the methods used to manage environmental effects.

(7) harvesting activities must be undertaken in accordance with the harvest plan.

67 Permitted activity conditions: ground disturbance

(1) Harvest systems must be planned and located to achieve butt suspension wherever practicable.

(2) Disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—

(a) the diversion or damming of any water body; or

(b) degradation of the aquatic habitat, riparian zone, freshwater body, or coastal environment; or

(c) damage to downstream infrastructure and properties.

68 Permitted activity conditions: disturbance of margins of water bodies and coastal marine area

(1) Trees must be felled away from any water body or riparian zone during harvesting, except where it is unsafe to do so, to minimise disturbance to the margins of water bodies and to the coastal marine area.

(2) If the exception in subclause (1) applies, trees must be felled directly across the water body for full-length extraction before de-limbing or heading.

(3) Full suspension tree harvesting in a manner that lifts the entire tree above the ground must be achieved across rivers of 3 m or more in width.

(4) Harvesting machinery must not be operated, except where subclause (5) applies,—

(a) within 5 m of—

(i) a perennial river with a bankfull channel width less than 3 m; or

(ii) a wetland larger than 0.25 ha; or

(b) within 10 m of—

(i) a perennial river with a bankfull channel width of 3 m or more; or

(ii) a lake larger than 0.25 ha; or

(iii) an outstanding freshwater body; or

(iv) a water body subject to a water conservation order; or

(c) within 30 m of the coastal marine area.

(5) Harvesting machinery may be operated in the setbacks required by subclause (4) only if—

(a) any disturbance to the water body from the machinery is minimised; and

(b) the harvest machinery is being operated—

- (i) at water body crossing points; or
 - (ii) where slash removal is necessary; or
 - (iii) where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4).
- (6) When harvesting occurs within or across a riparian zone, all disturbed vegetation, soil, or debris must be deposited to avoid it entering into water, and to avoid—
- (a) diversion or damming of any water body or coastal water:
 - (b) degradation of any aquatic habitat or riparian zone:
 - (c) damage to downstream infrastructure or property.

69 Permitted activity conditions: slash and debris management

- (1) Slash from harvesting **that is produced at or on a landing** must be placed onto stable ground.
- (2) **Slash from harvesting that is at or on a landing must be managed to avoid the collapse of—**
 - (a) a slash pile; or
 - (b) **the ground under a slash pile** ~~Slash from harvesting that is on the edge of landing sites must be managed to avoid the collapse of slash piles.~~
- (3) Slash from harvesting must not be deposited into a water body or onto the land that would be covered by water during a 5% AEP event.
- (4) If subclause (3) is not complied with, slash from harvesting must be removed from a water body and the land that would be covered by water during a 5% AEP flood event, unless to do so would be unsafe, to avoid—
 - (a) blocking or damming of a water body:
 - (b) eroding river banks:
 - (c) significant adverse effects on aquatic life:
 - (d) damaging downstream infrastructure, property, or receiving environments, including the coastal environment.
- (5) **On orange zone and red zone land (as described in regulation 63(2)(b)), slash from harvesting that is sound wood must be removed from the cutover, unless it is unsafe to do so, if it has—**
 - (a) a length of over 2 m; and
 - (b) a large-end diameter of over 10 cm.
- (6) **However, residual slash may be left on the cutover.**
- (7) **In this regulation,—**
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.

70 Controlled activity

Controlled activity: territorial authority

- (1) Harvesting is a controlled activity if regulation 64(1) or (2) is not complied with.

Matters over which control is reserved

- (2) For the purpose of subclause (1), control is reserved over the information on the activity required by the notice under regulation 64(1).

Controlled activity: regional council

- (3) Harvesting is a controlled activity—
- (a) in any green, yellow, or orange zone if any provision of regulations 64 to 69 is not complied with:
- (b) in any red zone not of Land Use Capability Class 8e where it involves more than 2 ha of harvesting in any 3-month period.

Matters over which control is reserved

- (4) For the purpose of subclause (3), control is reserved over—
- (a) the preparation and content of the harvest plan and the forestry earthworks management plan (if required):
- (b) the type and method of harvesting:
- (c) the timing, location, and duration of harvesting (including in relation to fish spawning):
- (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area:
- (e) measures to minimise soil erosion during and after harvesting:
- (f) measures to contain and remove slash **including minimum requirements for removal from the cutover**:
- (g) the information and monitoring requirements.

71 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Harvesting is a restricted discretionary activity in—
- (a) any red zone of Land Use Capability Class 8e:
- (b) any land that is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) the preparation and content of the harvest plan and the forestry earthworks management plan (if required):

- (b) the type and method of harvesting:
- (c) the timing, location, and duration of harvesting (including in relation to fish spawning):
- (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area:
- (e) measures to minimise soil erosion during and after harvesting:
- (f) measures to contain and remove slash [including minimum requirements for removal from the cutover](#):
- (g) the information and monitoring requirements.
- (h) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)

Exotic continuous-cover forests

71A Permitted activity

Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—

- (a) regulations 64 to 69 are complied with; and
- (b) any relevant forest planning requirement is not complied with.

71B Controlled activity

(1) Low-intensity harvesting is a controlled activity in all erosion susceptibility classification zones if—

- (a) any provision of regulations 64 to 69 is not complied with; or
- (b) any relevant forest planning requirements are not complied with.

(2) For the purpose of subclause (1), control is reserved over—

- (a) the preparation and content of the harvest plan and the forestry earth- works management plan (if required):
- (b) the type and method of harvesting:
- (c) the timing, location, and duration of harvesting (including in relation to fish spawning):
- (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area:
- (e) measures to minimise soil erosion during and after harvesting:
- (f) measures to contain and remove slash:
- (g) the information and monitoring requirements:
- (h) any other forest planning requirements.

71C Discretionary activity: regional council

Harvesting (other than low-intensity harvesting) in all erosion susceptibility classification zones is a discretionary activity.

Subpart 7—Mechanical land preparation

72 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 73(1)	Territorial authority
Regulations 73(2), 74 and 75	Regional Council

73 Permitted activity

Territorial authority

- (1) Mechanical land preparation is a permitted activity.

Regional council

- (2) Mechanical land preparation is a permitted activity if regulation 74 is complied with and the mechanical land preparation is in any—
 - (a) green or yellow zone; or
 - (b) orange or red zone where the land slope is less than 25 degrees; or
 - (c) orange or red zone where the land slope is 25 degrees or more, if the subsoil is not affected; or
 - (d) orange or red zone where the land slope is 25 degrees or more, and where the subsoil is affected, but the area covered by the mechanical land preparation activity is 2 ha or less in any calendar year.

74 Permitted activity conditions: methods, sediment, and setbacks

Methods

- (1) Mechanical land preparation must be carried out parallel to the contour of the land, except if—
 - (a) it is roller crushing or downhill ripping; or
 - (b) working parallel would be unsafe.
- (2) If mechanical land preparation is not carried out parallel to the contour of the land, sediment control measures must be used to minimise sediment discharges to water bodies.
- (3) Continuous downhill ripping of soil must be less than 50 m and sufficient distance must be maintained between ripping so that entrained water from each ripping furrow does not reach another ripping furrow.
- (4) Downhill ripping is not permitted on land with a gully or tunnel gully erosion risk identified in the erosion susceptibility classification as severe or greater.

- (5) Exposed areas of soil that may result in sediment entering water must be stabilised as soon as practicable after the completion of the activity, but no later than 30 November or 31 May, whichever is sooner, after completion of the activity.

Sediment

- (6) Sediment originating from mechanical land preparation must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:
- (a) any conspicuous change in colour or visual clarity;
 - (b) rendering fresh water unsuitable for consumption by farm animals;
 - (c) any significant adverse effect on aquatic life.
- (7) All disturbed soil must be stabilised or contained to minimise the movement of sediment into any water body or coastal water resulting in—
- (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments, including the coastal environment.

Setbacks

- (8) Mechanical land preparation must not occur—
- (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) within 30 m of the coastal marine area.

75 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Mechanical land preparation is a restricted discretionary activity if—
- (a) it is in any area specified in regulation 73(2), and regulation 74 is not complied with; or
 - (b) it is in an orange or a red zone where the land slope is 25 degrees or more, the subsoil is affected, and the area covered by the mechanical land preparation activity is more than 2 ha in any calendar year; or
 - (c) the land is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the area and the volume of the works;
 - (c) the effects on ecosystems, fresh water, and the coastal environment;
 - (d) the effects on vegetation in the riparian zone;
 - (e) the methods of stabilising soil disturbance;
 - (f) the methods of minimising erosion;
 - (g) the methods of sediment retention and run-off management;
 - (h) the information and monitoring requirements.
 - (i) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)
- (3) If the activity is a restricted discretionary activity under subclause (1)(b), discretion is restricted to—
 - (a) the matters in subclause (2); and
 - (b) the type of mechanical land preparation and method used; and
 - (c) the effects on hydrological flow.

Subpart 8—Replanting

76 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 79	Regional Council and Territorial authority
Regulations 77(1), 78(1) and 81(1) and (2)	Territorial authority
Regulations 77(2), 78(2) and (3), 80 and 81(3) and (4)	Regional Council

77 Permitted activity

Territorial authority

- (1) Replanting is a permitted activity if regulations 78(1), 78A and 79 are complied with.

Regional council

- (2) Replanting is a permitted activity if regulations 78(2) and (3), 78A and 79 are complied with and the replanting is in any—
- (a) green, yellow, or orange zone; or
- (b) red zone where the land proposed for replanting is 2 ha or less in any calendar year.

77A Permitted activity conditions: replanting management plan

- (1) A replanting management plan is required for all replanting activities.
- (2) A replanting management plan must be provided to the relevant council on written request.
- (3) A replanting management plan must include all forest planning requirements that are applicable to the replanting activity.
- (4) Amendments to the replanting management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Replanting activities must be carried out in accordance with the replanting management plan.

78A Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
- (a) the location where the replanting will occur and the proposed setbacks (including a description of how they were calculated); and
- (b) the dates on which the replanting is planned to begin and end.
- (2) Notice under subclause (1) must be given at least 20 working days and no more than 8 months before the date on which the replanting is planned to begin.

78 Permitted activity conditions: setbacks

Territorial authority

- (1) Replanting must not occur in any area closer than the stump line to an adjacent significant natural area.

Regional council

- (2) Replanting must not occur—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) within 30 m of the coastal marine area.
- (3) Replanting must not occur in any area closer than the stump line to an adjacent—
 - (a) perennial river; or
 - (b) wetland; or
 - (c) lake; or
 - (d) coastal marine area; or
 - (e) significant natural area.

79 Permitted activity conditions: wilding tree risk and control

- (1) A wilding tree risk calculator score must be—
 - (a) applied to any land on which replanting with a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) completed no more than 8 months before replanting is carried out.
- ~~(1) A wilding tree risk calculator score must be completed—
 - (a) for any land on which replanting of a conifer species will occur, if that conifer species is different from the trees most recently harvested on the land; and
 - (b) in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) no more than 6 months before replanting described in paragraph (a) is carried out.~~
- (2) In subclause (1), **suitably competent person** means a person with—

- (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or
- (b) at least 5 years' experience in silviculture that includes forest establishment.

(3) ~~Replanting with a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more~~ ~~Replanting of a conifer species must not be carried out if it is—~~

~~(a) a different species from the trees most recently harvested on the land proposed for replanting; and~~

~~(b) in an area with a wilding tree risk calculator score of 12 or more.~~

(4) Subclause (3) does not apply if the trees most recently harvested on the same land proposed for replanting had a wilding tree risk calculator score—

- (a) completed in accordance with subclauses (1)(b) and (2); and
- (b) the same as or higher than that of the species proposed to be replanted.

(5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out:

- (a) the score required under subclause (1) and the calculation sheet used to provide that score;
- (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made

~~A copy of the wilding tree risk calculator calculation sheet and score required under subclause (1) must be given to the relevant regional and territorial authority on request.~~

(6) All wilding conifers resulting from the previous harvest that are established in wetlands or significant natural areas must, before replanting begins, be eradicated—

- (a) on the same property on which the replanting activity occurs; and
- (b) on any adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.

(7) All wilding conifers resulting from the replanting activity must be eradicated at least every 5 years after replanting where established in wetlands or significant natural areas—

- (a) on the same property on which the replanting activity occurs; and
- (b) on any other adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs ~~Wilding conifers established in wetlands and significant natural areas must be eradicated—~~

~~—(a) before replanting begins, if the wilding conifer has resulted from the previous harvest:~~

~~—(b) at least every 5 years after replanting, if the wilding conifer has resulted from the replanting.~~

Regulation 79(6): replaced, on 1 May 2018, by regulation 15 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

80 **Controlled activity: regional council**

- (1) Replanting is a controlled activity if regulations 78(2) and (3), 78A and 79 are complied with and the activity is in any red zone where the land proposed for replanting is more than 2 ha in any calendar year.
- (2) ~~Control is reserved over the timing, location, and species~~ For the purpose of subclause (1), control is reserved over the timing, location, and species.
- (3) Replanting with a conifer species is a controlled activity if regulation 79(3) is not complied with.
- (4) For the purpose of subclause (3), control is reserved over—
 - (a) the level of wilding tree risk:
 - (b) the mitigation proposed to restrict wilding conifer spread, including the species to be planted:
 - (c) the effects on the values of the significant natural area or an outstanding natural feature or landscape:
 - (d) actual wilding conifer spread, including measures to mitigate that spread and proposed measures to mitigate that spread:
 - (e) the information and monitoring requirements:
 - (f) timing, location, and species.

81 **Restricted discretionary activity**

Restricted discretionary activity: territorial authority

- (1) Replanting is a restricted discretionary activity if regulation 78(1), 78A or 79 (other than regulation 79(3)) is not complied with.

Matters to which discretion is restricted

- (2) For the purpose of subclause (1), discretion is restricted to—
 - (a) the timing, location, and species:
 - (b) the effects of replanting and future commercial forestry activities on significant natural areas:
 - (c) the mitigation actions to restrict wilding conifer spread:
 - (d) the information and monitoring requirements.

Restricted discretionary activity: regional council

- (3) Replanting is a restricted discretionary activity if regulation 78(2) or (3), 78A or 79 (other than regulation 79(3)) is not complied with.

Matters to which discretion is restricted

- (4) For the purpose of subclause (3), discretion is restricted to—
 - (a) the effects on ecosystems, fresh water, and the coastal environment:

- (b) the timing, location, and species:
- (c) the effects of replanting and future commercial forestry activities on the adjacent water bodies, the coastal environment, or significant natural areas:
- (d) the mitigation actions to restrict wilding conifer spread:
- (e) the information and monitoring requirements.
- (f) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)

Subpart 9—Ancillary activities

82 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 95	Regional Council and Territorial authority
Regulations 83(1), 93 and 94	Territorial authority
Regulations 83(2) and 84 to 92	Regional Council

Slash traps

83 Permitted activity

- (1) Constructing, installing, using, maintaining, or removing a slash trap on land, including land within the riparian zone, is a permitted activity.

Regional council

- (2) Constructing, installing, using, maintaining, or removing a slash trap in the bed of a river or on land is a permitted activity if regulations 84 to 91 are complied with.

84 Permitted activity conditions: design

- (1) The slash trap design must allow water to flow through freely and ensure that the slash trap does not dam the river.
- (2) The height of the slash trap must be no higher than 2 m above the bed of the river.

85 Permitted activity conditions: placement

- (1) Where the catchment area upstream of the slash trap is greater than 20 ha, the slash trap must not be located within the bankfull channel width of the river.
- (2) The slash trap must be located in a position that allows machine access for clearing and maintenance.

86 Permitted activity conditions: inspection and clearance

- (1) The slash trap must be—

- (a) inspected within 5 working days of the date of any significant rainfall event in the upstream catchment that is likely to mobilise debris:
 - (b) cleared of debris at least within 20 working days following a 5% AEP flood event:
 - (c) maintained to avoid erosion of the river bed and maintained in a structurally sound and effective condition.
- (2) Slash cleared from the slash trap must be removed to a safe and stable location beyond river bed and land covered by the 5 % AEP flood event.

Regulation 86(1)(b): amended, on 1 May 2018, by regulation 16 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

87 Permitted activity conditions: effect on other structures and users

A slash trap must not—

- (a) alter the natural alignment or gradient of the river; or
- (b) compromise the structural integrity or use of any other lawfully established infrastructure or activity in the bed of a river or lake; or
- (c) cause flooding or ponding on any property under different ownership from that of the plantation forest; or
- (d) cause or induce erosion of the river bed, or erosion or instability of the banks, of the river.

88 Permitted activity conditions: passage of fish

The slash trap must be designed, located, and maintained so that it provides for the passage of fish.

89 Permitted activity conditions: contaminant discharges and depositing organic matter

If a slash trap is being constructed, installed, removed, maintained, or cleared,—

- (a) the activity must not release contaminants into water, other than sediment; and
- (b) all practicable steps must be taken to—
 - (i) avoid depositing organic matter or discharging sediment into a water body or onto the bed of a river or land in circumstances that may result in it entering water; and
 - (ii) minimise the disturbance of the bed of the river; and
- (c) all practicable steps must be taken to avoid wet concrete or concrete ingredients coming into contact with flowing or standing water; and
- (d) elevated sediment levels in any river resulting from the construction, installation, maintenance, or removal of a slash trap must not occur for more than 8 consecutive hours; and
- (e) all excess materials and equipment must be removed from the bed of the river within 24 hours of the completion of the construction, installation, maintenance, or removal of a slash trap.

90 Permitted activity conditions: sediment

Sediment originating from slash traps must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in receiving waters:

- (a) any conspicuous change in colour or visual clarity:
- (b) the rendering of fresh water unsuitable for consumption by farm animals:
- (c) any significant adverse effect on aquatic life.

91 Permitted activity conditions: reporting requirements

- (1) A written report must be provided to the regional council within 20 working days of the slash trap's construction detailing location, design, and construction. Photographic evidence of the slash trap must form part of the report.
- (2) A written report must be provided to the regional council annually by 31 March detailing the frequency of maintenance and clearance of the slash trap, and slash trap condition and performance, including any of the following adverse effects:
 - (a) damage to downstream infrastructure, property, or receiving environments:
 - (b) disturbance of the bed of the river:
 - (c) blockages to the passage of fish.

92 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Constructing, installing, using, maintaining, or removing a slash trap in the bed of a river or on land is a restricted discretionary activity if any provision of regulations 84 to 91 is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) slash trap design and construction:
 - (b) the location, timing, and duration of the slash trap:
 - (c) the effectiveness of mitigation measures to manage the effects of slash, debris mobilisation, and downstream deposition:
 - (d) alternative measures to manage slash and debris mobilisation:
 - (e) river bed and bank stability and erosion:
 - (f) the effects on ecosystems, including the passage of fish:
 - (g) water quality and flow:
 - (h) public use and public access to and along the river:
 - (i) the effects on upstream and downstream properties and infrastructure:
 - (j) the information and monitoring requirements.

Indigenous vegetation clearance

93 Permitted activity: territorial authority

- (1) Vegetation clearance of indigenous vegetation associated with a commercial forestry activity is a permitted activity if subclause (2) or (3) is complied with and the clearance does not occur within a significant natural area, except that a clearance of a forestry track described in subclause (2)(d) may occur in a significant natural area.
- (2) Vegetation clearance of indigenous vegetation may occur within an area of a plantation forest if the indigenous vegetation—
 - (a) has grown up under (or may have overtopped) plantation forestry; or
 - (b) is within an area of a failed plantation forest that failed in the last rotation period (afforestation to replanting) of the plantation forestry; or
 - (c) is within an area of plantation forest that has been harvested within the previous 5 years; or
 - (d) is overgrowing a forestry track, if the track has been used within the last 50 years.
- (3) Vegetation clearance of an area of indigenous vegetation located within or adjacent to a plantation forest may be carried out if—
 - (a) the area of indigenous vegetation and the plantation forest are held in the same ownership; and
 - (b) the cumulative clearance does not exceed 1 ha or 1.5% (whichever is the greater) of the total area of indigenous vegetation within or adjacent to the plantation forest in which the clearance is proposed, but excluding any vegetation clearance under subclause (2).
- (4) Incidental damage is a permitted activity and may occur in an area that is within or adjacent to any plantation forest, including a riparian zone.
- (5) In this regulation, **incidental damage** means—
 - (a) damage where the ecosystem will recover to a state where, within 36 months of the damage occurring, it will be predominantly of the composition previously found at that location; or
 - (b) damage to indigenous vegetation canopy trees that are greater than 15 m in height, where the damage does not exceed—
 - (i) 30% of the crown of any indigenous vegetation canopy trees and no more than 30% of those trees per 100 m of the indigenous vegetation perimeter length; or
 - (ii) 10 m in continuous length per 100 m of a riparian zone length (with the applicable riparian zone width); or
 - (c) if it occurs in a significant natural area, damage that—
 - (i) does not significantly affect the values of that significant natural area; and
 - (ii) allows the ecosystem to recover as specified in paragraph (a).

Regulation 93(1): amended, on 1 May 2018, by regulation 17(1) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 93(4): replaced, on 1 May 2018, by regulation 17(2) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 93(5)(a): replaced, on 1 May 2018, by regulation 17(3) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 93(5)(c): replaced, on 1 May 2018, by regulation 17(4) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

94 Restricted discretionary activity: territorial authority

- (1) The vegetation clearance of indigenous vegetation is a restricted discretionary activity if regulation 93(2), (3), or (4) is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
- (a) the location of the activity:
- (b) the ecological effects due to—
- (i) the ecological significance of the indigenous vegetation; or
- (ii) the location and extent of indigenous vegetation removal; or
- (iii) the functioning of remaining indigenous vegetation, including edge effects and retention of corridors:
- (c) the mitigation measures proposed:
- (d) alternatives to clearance and disturbance of indigenous vegetation:
- (e) the information and monitoring requirements.

Non-indigenous vegetation clearance

95 Permitted activity

Territorial authority and regional council

- (1) Vegetation clearance of non-indigenous vegetation associated with a commercial forestry activity is a permitted activity if all permitted activity conditions are met for the associated commercial forestry activity.

General: activity status, matters of control or discretion, and local authority

- (2) If vegetation clearance of non-indigenous vegetation does not comply with subclause (1), it has the activity status that applies to the associated commercial forestry activity.
- (3) The matters of control or discretion are those that apply to the associated commercial forestry activity, and consent is required from the local authority that has functions in relation to the associated commercial forestry activity.

Subpart 10—General provisions

96 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 100 to 103	Regional Council and Territorial authority

Regulations 98 and 99	Territorial authority
Regulations 97, 104, and 105	Regional Council

Discharges, disturbances, and diversions

97 Permitted activity: regional council

- (1) Any discharge of sediment into water or to land in circumstances that may result in it entering water, disturbance of the bed or vegetation in the bed of a river or lake, or diversion of water associated with a commercial forestry activity is a permitted activity if subclauses (3) and (4) are complied with and—
 - (a) pruning and thinning to waste complies with regulations 19(2) and 20;
 - (b) earthworks comply with regulations 24 to 33;
 - (c) river crossings comply with regulations 37 to 46;
 - (d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59;
 - (e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69;
 - (f) mechanical land preparation complies with regulations 73(2) and 74;
 - (g) slash traps comply with regulations 83(2) and 84 to 91.
- (2) Disturbance of a wetland (including vegetation or soil disturbance) associated with a commercial forestry activity is a permitted activity if subclauses (2A) and (5) are complied with and—
 - (a) the wetland is greater than 100 m² and less than 0.25 ha; or
 - (b) the wetland is greater than 100 m² and the associated commercial forestry activity is harvesting.
- (2A) Disturbance of a wetland described in subclause (2) 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 refuelling and maintenance of vehicles, machinery, and equipment, is done outside a 10 m setback from the wetland.

Permitted activity conditions: fish spawning

- (3) Disturbance of the bed or vegetation in the bed of a perennial river or lake must not occur unless subclause (4)(a) or (b) applies.

- (4) Disturbance of the bed or vegetation in the bed of a perennial river or lake may occur if—
- (a) the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator) indicates—
- (i) no presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed; or
- (ii) the presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, but disturbance is not during the relevant fish spawning period; or
- (b) for the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, a suitably competent person has—
- (i) confirmed that the species observed do not spawn in the river or lake habitat where the disturbance will occur; or
- (ii) in the case of a river, undertaken a freshwater fish survey in accordance with the document referred to in item 10 of Schedule 2 (New Zealand Freshwater Fish Sampling Protocols) and has observed no presence of any of the species listed in Group A or Group B in the Fish Spawning Indicator; or
- (iii) in the case of a lake, undertaken a freshwater fish survey in accordance with the techniques in item 13 of Schedule 2 (Introduction to monitoring freshwater fish) and has observed no presence of any of the species listed in Group A or Group B of the Fish Spawning Indicator.
- (5) Disturbance of a wetland described in subclause (2) may occur only if—
- (a) the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator) indicates—
- (i) no presence of a mudfish species listed in Group B in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed; or
- (ii) the presence of a mudfish species listed in Group B in the Fish Spawning Indicator in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed, but it is not during the relevant mudfish spawning period; or
- (b) for a wetland marked in the Fish Spawning Indicator where the disturbance would occur, a suitably competent person has—
- (i) confirmed that the species observed do not spawn in the wetland habitat where disturbance will occur; or
- (ii) undertaken a freshwater fish survey in accordance with the document referred to in item 14 of Schedule 2 (A revised methodology to survey and monitor New Zealand mudfish) and has observed no presence of a mudfish species listed in Group B in the Fish Spawning Indicator.
- (6) In this regulation,—

disturbance of the bed or vegetation in the bed of a perennial river does not include—

- (a) Vehicles **crossing** ~~using a ford to cross~~ the wetted river bed at a rate of up to 20 axle movements per day;
- (b) hauling logs over the bed of a river less than 3 m wide where butt suspension is achieved in the segment of the river marked in the Fish Spawning Indicator, in the relevant spawning period shown in the fish spawning indicator, unless any species listed in Group B in the Fish Spawning Indicator is present;
- (c) clearing a slash trap

suitably competent person means a person who—

- (a) has at least 2 years' experience in use of the document referred to in item 10 of Schedule 2 (New Zealand Freshwater Fish Sampling Protocols), or in the techniques in the document referred to in item 13 of Schedule 2 (Introduction to monitoring freshwater fish), and has completed a specialist course in the identification of New Zealand freshwater fish; or
- (b) has more than 10 years' experience in use of the fish sampling techniques listed in the relevant document and in the identification of New Zealand freshwater fish.

General: activity status

- (7) A discharge of sediment into water or onto land in circumstances that may result in it entering water, disturbance of a bed or vegetation in the bed of a river or lake, or diversion of water, associated with a commercial forestry activity that does not comply with subclause (1)(a) to (g), has the same activity status that applies if the conditions of the associated commercial forestry activity are not complied with.
- (8) Disturbance of the bed or vegetation in the bed of a perennial river or lake associated with a commercial forestry activity is a discretionary activity if it does not comply with subclauses (3) and (4).
- (9) Disturbance of a wetland associated with a commercial forestry activity and described in subclause (2) is a discretionary activity if it does not comply with subclause (5).

Noise and vibration

98 Permitted activity: territorial authority

- (1) Noise and vibration associated with a commercial forestry activity is a permitted activity if it complies with subclauses (2) to (4).

Permitted activity conditions

- (2) Noise associated with a commercial forestry activity must not exceed the following noise limits at any point within the notional boundary of any occupied building containing a noise-sensitive activity, except in the case of an occupied building located in the commercial forest or on an adjacent property under the same ownership or management as that of the commercial forest:
 - (a) Monday to Saturday, daytime—75 dB LAeq (15 min) between 7 am and 7 pm, at any assessment point where forestry noise is received for 20 weeks or less in a year:

- (b) Monday to Saturday, daytime—70 dB LAeq (15 min) between 7 am and 7 pm, at any assessment point where forestry noise is received for more than 20 weeks in a year:
 - (c) Sunday daytime—45 dB LAeq (15 min) between 7 am and 7 pm:
 - (d) night time—45 dB LAeq (15 min) between 7 pm and the following 7am:
 - (e) night time—75 dB LAFmax between 7 pm and the following 7 am:
 - (f) 120 dB LZpeak for any blasting.
- (3) Vibration associated with a commercial forestry activity must not exceed the guideline values in Tables 1 and 3 of DIN 4150 inside any building, except in the case of a building located in the commercial forest or on an adjacent property under the same ownership or management as that of the commercial forest.
- (4) Blasting may be conducted only between 7 am and 7 pm on Monday to Saturday.

How noise measured and assessed

- (5) Noise must be measured in accordance with NZS 6801 and assessed in accordance with NZS 6802.
- (6) Vibration must be measured and assessed in accordance with ISO 4866.
- (7) In this regulation and in regulation 99,—

DIN 4150 means the document referred to in item 11 of Schedule 2 (DIN 4150-3:1999-02 Structural vibration – Part 3: Effects of vibration on structures)

ISO 4866 means the document referred to in item 12 of Schedule 2 (ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures)

LAeq has the same meaning as in NZS 6801

LAFmax has the same meaning as in NZS 6801

LZpeak has the same meaning as in NZS 6801

noise and vibration—

- (a) includes noise and vibration from forestry machinery, equipment, and vehicles undertaking activities to which these regulations apply; but
- (b) does not include—
 - (i) noise and vibration from forestry vehicles on public roads; or
 - (ii) vibration affecting heritage buildings or structures

noise-sensitive activity—

- (a) means any—
 - (i) residential activity, including activity in visitor accommodation or retirement accommodation:
 - (ii) educational activity:
 - (iii) health care activity:

- (iv) congregation within any place of worship:
- (v) activity at a marae; but
- (b) does not include an activity if it was not lawfully established

notional boundary means—

- (a) a line 20 m from any side of a building; or
- (b) the legal boundary, where it is closer to the building

NZS 6801 means the document referred to in item 6 of Schedule 2 (NZS 6801: 2008 Acoustics – Measurement of environmental sound)

NZS 6802 means the document referred to in item 7 of Schedule 2 (NZS 6802:2008 Acoustics – Environmental noise)

occupied building means a building that is regularly occupied by 1 or more people.

99 Restricted discretionary activity: territorial authority

- (1) Noise and vibration associated with a commercial forestry activity is a restricted discretionary activity if it does not comply with regulation 98(2) to (4).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, duration, and location of noise or vibration-generating activities;
 - (b) the effects on noise-sensitive activities;
 - (c) measures to avoid, remedy, or mitigate the adverse noise and vibration effects;
 - (d) the information and monitoring requirements.

Dust

100 Permitted activity

Territorial authority and regional council

- (1) The discharge of dust to air associated with a commercial forestry activity is a permitted activity if subclause (2) is complied with.

Permitted activity condition

- (2) There must be no airborne or deposited dust beyond the boundary of the property from which the dust is sourced that is noxious, dangerous, objectionable, or offensive.
- (3) In subclause (2), **boundary of the property** includes the legal boundary of property on which the commercial forestry activity occurs and any other properties adjoining that property under the same ownership or management.

101 Restricted discretionary activity

Territorial authority and regional council

- (1) The discharge of dust to air associated with a commercial forestry activity is a restricted discretionary activity if it does not comply with regulation 100(2).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, duration, and location of dust-generating activities;
 - (b) measures to avoid, remedy, or mitigate the adverse effects of dust;
 - (c) the information and monitoring requirements.

Indigenous bird nesting

102 Permitted activity

Territorial authority and regional council

- (1) A commercial forestry activity occurring where nesting of the following indigenous bird species occurs must comply with the procedures required by subclause (2):
 - (a) any indigenous bird species with a classification of Nationally Critical, Nationally Endangered, or Nationally Vulnerable in the document referred to in item 8 of Schedule 2 (Conservation status of New Zealand birds); and
 - (b) any of the following bird species as described in the document referred to in item 8 of Schedule 2 (Conservation status of New Zealand birds):
 - (i) *Apteryx mantelli*, common name: North Island brown kiwi;
 - (ii) *Falco novaeseelandiae novaeseelandiae*, common name: Eastern falcon;
 - (iii) *Falco novaeseelandiae ferox*, common name: Bush falcon;
 - (iv) *Gallirallus australis greyi*, common name: North Island weka.

Permitted activity condition

- (2) Procedures must be in place and followed to—
 - (a) confirm and recognise the presence of indigenous bird species identified in subclause (1); and
 - (b) on confirmation of presence, identify affected nest sites; and
 - (c) provide relevant staff with training on recognising the presence of indigenous bird species if encountered during the commercial forestry activity; and
 - (d) avoid or mitigate adverse effects on affected nest sites and indigenous bird species.

103 Restricted discretionary activity

Territorial authority and regional council

- (1) A commercial forestry activity is a restricted discretionary activity if regulation 102 is not complied with.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the effects on indigenous birds and measures to mitigate those effects;
 - (b) the information and monitoring requirements.

Fuel storage and refuelling

104 Permitted activity: regional council

- (1) Fuel storage, refuelling, and oil changing associated with a commercial forestry activity are permitted activities if subclauses (2) and (3) are complied with.

Permitted activity conditions

- (2) Fuel must not be stored, machinery must not be refuelled, and oil must not be changed in any location where fuel can enter water, including—
 - (a) within 10 m of—
 - (i) a perennial river; or
 - (ii) wetlands; or
 - (iii) lakes; or
 - (iv) an outstanding freshwater body; or
 - (v) a water body subject to a water conservation order; or
 - (b) within 30 m of the coastal marine area; or
 - (c) on, over, or in the bed of a water body or the coastal marine area; or
 - (d) within a water body or coastal water.
- (3) Fuel must not be discharged into water, or onto or into the bed of a water body, or onto or into land in circumstances that may result in the fuel entering water.

105 Restricted discretionary activity: regional council

- (1) Fuel storage, refuelling, and oil changing associated with a commercial forestry activity is a restricted discretionary activity if it does not comply with regulation 104(2) or (3).

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the effects on ecosystems, fresh water, and the coastal environment;
 - (c) management and containment;
 - (d) the spill response procedure;
 - (e) the location of fuel storage, refuelling, and oil changing;
 - (f) the information and monitoring requirements.
 - (g) [the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.](#)

Part 3

Local authority charges for monitoring permitted activities

106 Local authorities may charge for monitoring permitted activities

A local authority responsible for monitoring any of the following permitted activities may charge for its monitoring of those activities:

- (aaa) [regulation 9 \(afforestation\)](#):
- (a) regulation 24 (earthworks):
- (b) regulation 37 (river crossings):
- (c) regulation 51 (forestry quarrying):
- (d) regulation 63(2) (harvesting).

Schedule 1

Transitional, savings, and related provisions

Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Part 2

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

1 References to previous Title

Every reference in any enactment and in any document to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 must, unless the context otherwise provides, be read as a reference to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.

2 Interpretation

In this Part, unless the context otherwise requires,—

amendment regulations means the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023

commencement date means the date on which the amendment regulations commence under regulation 2(1) of those regulations.

3 Slash provisions

(1) Regulation 69 applies to an existing activity as if it had not been amended by the amendment regulations until the date on which these regulations (as amended by the amendment regulations) require notification of the activity to be submitted to the council.

(2) In this clause, existing activity means an activity that is undertaken in accordance with a notice given under regulation 64 or a harvest plan that was made in accordance with these regulations, and that is in effect immediately before the commencement date.

4 Forestry earthworks management plan

(1) Forestry earthworks activities may be undertaken in accordance with a forestry earthworks management plan that meets the requirements of these regulations as they were immediately before the commencement date—

(a) if—

- (i) the plan was submitted before the commencement date; and
 - (ii) the expiry of the notice that applied to the activity under regulation 25(2) is less than 5 months after the commencement date; and
- (b) until the earlier of the following:
- (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 25(2), or, if renewed under subclause (2), the expiry of the renewed notice.
- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 25(2) as if that regulation had not been amended by the amendment regulations.

5 Harvest plan requirements

- (1) Harvesting activities may be undertaken in accordance with a harvest plan that meets the requirements of these regulations as they were immediately before the commencement date—
- (a) if—
- (i) the plan was submitted before the commencement date; and
 - (ii) the expiry of the notice that applied to the activity under regulation 64(2) is less than 5 months after the commencement date; and
- (b) until the earlier of the following:
- (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 64(2), or, if renewed under subclause (2), the expiry of the renewed notice.
- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 64(2).

6 Quarry erosion and sediment management plan

- (1) Forestry quarrying activities may be undertaken in accordance with a quarry erosion and sediment management plan that meets the requirements of these regulations as they were immediately before the commencement date—
- (a) if—
- (i) the plan was submitted before the commencement date; and
 - (ii) the expiry of the notice that applied to the activity under regulation 52(2) is less than 5 months after the commencement date; and
- (b) until the earlier of the following:
- (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 52(2), or, if renewed under subclause (2), the expiry of the renewed notice.
- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 52(2) as if that regulation had not been amended by the amendment regulations.

Schedule 2

References for material incorporated by reference

	Name of document or electronic tool	URL
1	Erosion Susceptibility Classification	https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/
2	Guidelines for the use of the Decision Support System “Calculating Wilding Spread Risk From New Plantings”, (Scion, 2015) Scion publication number S0019, T.S.H. Paul	http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/wilding-tree-risk-calculator/
3	Henderson R, Collins D, Doyle M, Watson J (2018): <i>Regional Flood Estimation Tool for New Zealand Part 2</i> , NIWA Client Report No. 2018177CH	https://niwa.co.nz/sites/niwa.co.nz/files/2018177CH-Flood-Frequency-Final-Report-Part2-NIWA.pdf
4	Technical Memorandum 61, A Method of Estimating Design Peak Discharge, MWD, 1980	
5	“Comparison of a regional method for estimating design floods with two rainfall-based methods”. Mckerchar, A. I. and Macky, G. H. 2001. <i>Journal of Hydrology (NZ)</i> 40(2): 129–138	
6	NZS 6801: 2008 Acoustics – Measurement of environmental sound	
7	NZS 6802:2008 Acoustics – Environmental noise	
8	Conservation status of New Zealand birds, 2016. New Zealand Threat Classification Series 19. Department of Conservation, Wellington. P 23. Robertson, H.A.; Baird, K.; Dowding, J.E.; Elliott, G.P.; Hitchmough, R.A.; Miskelly, C.M.; McArthur, N.; O’Donnell, C.F.J.; Sagar, P.M.; Scofield, R.P.; Taylor, G.A. 2017	http://www.mpi.govt.nz/document-vault/18845
9	Fish Spawning Indicator	http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/
10	New Zealand Freshwater Fish Sampling Protocols (Joy, David & Lake, 2013)	
11	DIN 4150-3:1999-02 Structural vibration – Part 3: Effects of vibration on structures	
12	ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the	

	measurement of vibrations and evaluation of their effects on structures	
13	Introduction to monitoring freshwater fish. Version 1.1. Grainger, N.; Goodman, J.; and West, D. Department of Conservation 2013	http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-freshwater-fish/im-toolbox-freshwater-fish-introduction-to-monitoring-freshwater-fish.pdf
14	A revised methodology to survey and monitor New Zealand mudfish. Ling, N.; O'Brien, L.K.; Miller, R.; Lake, M. 2013: Department of Conservation, Wellington (unpublished)	http://www.doc.govt.nz/Documents/science-and-technical/inventory-monitoring/im-toolbox-freshwater-fish/im-toolbox-freshwater-fish-a-revised-methodology-to-survey-and-monitor-new-zealand-mudfish.pdf

Schedule 2 item 5: replaced, on 1 May 2018, by [regulation 18](#) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Schedule 3

Afforestation and replanting plan specifications

1 Person and property details

The person and property details are—

- (a) the plan and notice date;
- (b) the name of and contact details for the land owner or their agent;
- (c) the name of and contact details for the forest owner (if different);
- (d) the name of and contact details for the forest manager or other manager relevant to the commercial forestry activity (if different);
- (e) the contact details for service—postal address, email address, phone number(s);
- (f) the region and district in which the forest is located;
- (g) the name of the road used for forest access and the rural number of the entry point;
- (h) the forest name or property location identifier;
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000;
- (b) the record of title, the date, and a north arrow;
- (c) the external property boundaries within 200 m of the commercial forestry activity area;
- (d) the contour lines at intervals less than or equal to 20 m;
- (e) the erosion susceptibility classification (NЕСSF overlay map);
- (f) the location of any significant natural areas and vegetation clearance areas;
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and
 - (iv) any outstanding freshwater body or water body subject to a water conservation order; and
 - (v) any setbacks from any identified water body or the coastal marine area;
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity;
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads;
 - (ii) tracks;
 - (iii) landings;
 - (iv) firebreaks;
 - (v) river crossings (permanent and temporary);
 - (vi) fuel storage and refuelling sites;
 - (vii) end-haul deposit sites;
 - (viii) slash storage areas;
- (j) the afforestation area boundary and the areas in which afforestation and replanting is occurring;
- (k) the forest species to be afforested or replanted;
- (l) the year or season where planting is expected to occur (if afforestation is occurring);
- (m) the segmentation boundaries within afforestation or replanting areas required by the wilding tree risk guidelines to calculate a wilding tree risk calculator score;
- (n) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state the commercial forestry activity being undertaken, and include—

- (a) where the activity is taking place; and
- (b) when the activity will begin and end; and
- (c) how the activity is to be undertaken.

4 Management requirements

Significant natural areas

(1) The plan must describe—

- (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
- (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

(2) The plan must,—

- (a) for sites with a water body, identify the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (i) public roads and other infrastructure;
 - (ii) properties, including dwellings;
 - (iii) rivers, lakes, estuaries, and the sea;
 - (iv) drinking water supplies; and

(b) include the proposed heavy rainfall contingency and response measures, including—

- (i) specific triggers or thresholds for action; and
- (ii) maintenance, post-event monitoring, and remedial works in relation to those measures.

Erosion and sedimentation

(3) The plan must include a description of—

- (a) the erosion and sedimentation effects of afforestation and replanting, including those effects that arise over the lifecycle of the forest or until a subsequent forest planning requirement is triggered; and
- (b) the measures to be used to—
 - (i) monitor the erosion and sedimentation effects of afforestation and replanting; and
 - (ii) maintain records relating to erosion and sedimentation.

Wilding trees

(4) The plan must include—

- (a) the wilding tree risk calculator score and the calculation sheet used to provide that score; and
- (b) the assessments required by regulation 11(4)(b); and
- (c) a description of—
 - (i) any adjacent properties under the same ownership; and
 - (ii) the schedule for undertaking wilding conifer inspections; and
 - (iii) how wilding conifer removals will be undertaken.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 4

Forestry earthworks management plan

1 Person and property details

The person and property details are—

- (a) the plan and notice date;
- (b) the name of and contact details for the land owner or their agent;
- (c) the name of and contact details for the forest owner (if different);
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different);
- (e) the contact details for service—postal address, email address, phone number(s);
- (f) the region and district in which the forest is located;
- (g) the name of the road used for forest access and the rural number of the entry point;
- (h) the forest name or property location identifier;
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000;
- (b) the record of title, the date, and a north arrow;
- (c) the external property boundaries within 200 m of the commercial forestry activity area;
- (d) the contour lines at intervals less than or equal to 20 m;
- (e) the erosion susceptibility classification (NЕСF overlay map);
- (f) the location of any significant natural areas and vegetation clearance areas;
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and
 - (iv) any outstanding freshwater body or water body subject to a water conservation order; and
 - (v) any setbacks from any identified water body or the coastal marine area;
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity;
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads;
 - (ii) tracks;
 - (iii) landings;
 - (iv) firebreaks;
 - (v) river crossings (permanent and temporary);
 - (vi) fuel storage and refuelling sites;
 - (vii) end-haul deposit sites;
 - (viii) slash storage areas;
- (j) spatial information associated with the activity described in clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the scope of work covered by the earthworks (including estimated earthworks cut and fill volumes, by ESC zone if there is more than 1); and
- (f) whether the earthworks are for maintenance, upgrade, road widening, realignment, or new work; and
- (g) the anticipated construction time for forestry earthworks and stabilisation; and
- (h) the design rainfall event size and duration that has been used to design the sediment control measures referred to in clause 4 and the heavy rainfall contingency and response measures referred to in clause 6.

4 Management requirements

Significant natural areas

(1) The plan must describe—

- (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
- (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

(2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:

- (a) public roads and other infrastructure;
- (b) properties, including dwellings;
- (c) rivers, lakes, estuaries, and the sea;
- (d) drinking water supplies.

Erosion and sedimentation

(3) The plan must include—

- (a) a description of the management practices that will be used to avoid, remedy, or mitigate risks due to forestry earthworks that have been identified on the map, including, in sufficient detail to enable site audit of the management practices to be carried out,—
 - (i) the proposed erosion and sediment control measures to be used; and
 - (ii) the situations in which they will be used; and
- (b) the following minimum erosion and sediment control measures:
 - (i) water run-off control measures;
 - (ii) sediment control measures during construction and during harvest;
 - (iii) the method to be used to manage excess fill for large-scale cut and fill operations and, if the method is end-haul, the proposed disposal location;
 - (iv) methods to be used to stabilise batters, side cast, and cut and fill.

Indigenous birds

(4) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

- (5) The plan must include,—
- (a) with reference to the map, a description and the location of any relevant species identified—
 - (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and
 - (b) confirmation of areas where and periods when disturbance is not permitted; and
 - (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.

Other indigenous species of fauna

- (6) The plan must include procedures to—
- (a) identify any threatened or at-risk species of indigenous fauna present within the forestry earthworks activity areas; and
 - (b) mitigate adverse effects on those species from the forestry earthworks activity.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes;
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works;
- (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Schedule 5

Quarry erosion and sediment management plan

1 Person and property details

The person and property details are—

- (a) the plan and notice date;
- (b) the name of and contact details for the land owner or their agent;
- (c) the name of and contact details for the forest owner (if different);
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different);
- (e) the contact details for service—postal address, email address, phone number(s);
- (f) the region and district in which the forest is located;
- (g) the name of the road used for forest access and the rural number of the entry point;
- (h) the forest name or property location identifier and the legal title shown on the record of title;
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a 1:1,000–1:5,000 scale;
- (b) the title, the date, and a north arrow;
- (c) the external property legal boundaries within 200 m of the commercial forestry activity area;
- (d) the contour lines at intervals less than or equal to 20 m;
- (e) the erosion susceptibility classification (NESCF overlay map);
- (f) the proposed quarry layout;
- (g) any sight-lines to dwellings on adjacent properties within 2 km of the quarry;
- (h) the boundaries of the commercial forest;
- (i) the location of any significant natural areas and vegetation clearance areas;
- (j) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha, and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent, with arrows showing direction of flow; and
 - (iii) any water table that the quarry may intercept; and
 - (iv) rivers where the bankfull channel width is 3 m or more; and
 - (v) any outstanding freshwater body or water body subject to a water conservation order; and
 - (vi) any setbacks from any identified water body or the coastal marine area;
- (k) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity;
- (l) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads;
 - (ii) tracks;
 - (iii) landings;
 - (iv) firebreaks;
 - (v) river crossings (permanent and temporary);
 - (vi) fuel storage and refuelling sites;
 - (vii) end-haul deposit sites;
 - (viii) slash storage areas;
- (m) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken (including the amount of quarrying); and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken.

4 Management requirements

Significant natural areas

(1) The plan must describe—

- (a) how any significant natural area identified under clause 2(i) is to be avoided when undertaking a commercial forestry activity; and
- (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

(2) The plan must,—

- (a) for sites with a water body, identify the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (i) public roads and other infrastructure;
 - (ii) properties, including dwellings;
 - (iii) rivers, lakes, estuaries, and the sea;
 - (iv) drinking water supplies; and
- (b) include the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) maintenance, post-event monitoring, and remedial works in relation to the measures.

Erosion and sedimentation

(3) The plan must include—

- (a) a description of the situations in which the proposed erosion and sediment control measures will be used; and
- (b) details of the erosion and sediment control measures to be used, including—
 - (i) methods to maintain stability of any cut faces; and
 - (ii) methods to manage overburden, including stability and erosion of exposed soil; and
 - (iii) methods to manage sediment and stormwater; and
 - (iv) methods to avoid effects on riparian margins and water bodies; and
 - (v) maintenance and monitoring procedures in relation to the measures; and
- (c) details of measures for the restoration of the quarry after quarrying ceases; and
- (d) corrective action processes.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 6

Harvest plan

1 Person and property details

The person and property details are—

- (a) the plan and notice date;
- (b) the name of and contact details for the land owner or their agent;
- (c) the name of and contact details for the forest owner (if different);
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different);
- (e) the contact details for service—postal address, email address, phone number(s);
- (f) the region and district in which the forest is located;
- (g) the name of the road used for forest access and the rural number of the entry point;
- (h) the forest name or property location identifier;
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000;
- (b) the record of title, the date, and a north arrow;
- (c) the external property boundaries within 200 m of the commercial forestry activity area;
- (d) the contour lines at intervals less than or equal to 20 m;
- (e) the erosion susceptibility classification (NЕСF overlay map);
- (f) the location of any significant natural areas and vegetation clearance areas;
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and
 - (iv) any outstanding freshwater body or water body subject to a water conservation order; and
 - (v) any setbacks from any identified water body or the coastal marine area;
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity;
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads;
 - (ii) tracks;
 - (iii) landings;
 - (iv) firebreaks;
 - (v) river crossings (permanent and temporary);
 - (vi) fuel storage and refuelling sites;
 - (vii) end-haul deposit sites;
 - (viii) slash storage areas;
- (j) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the harvesting method, whether ground-based or hauler, or any other method, and the hauler system type; and
- (f) the planned timing, duration, intensity, and any proposed staging of the harvest.

4 Management requirements

Significant natural areas

- (1) The plan must describe—
 - (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (a) public roads and other infrastructure;
 - (b) properties, including dwellings;
 - (c) rivers, lakes, estuaries, and the sea;
 - (d) drinking water supplies.

Erosion and sedimentation

- (3) The plan must include a description of the management practices that will be used to avoid, remedy, or mitigate erosion and sedimentation risks due to commercial forest harvesting. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The description must include, in sufficient detail to enable site audit of the management practices to be carried out,—
 - (a) the proposed erosion and sediment control measures to be used; and
 - (b) the situations in which they will be used.

Slash

- (4) The plan must describe the management practices that will be used to avoid, remedy, or mitigate risks relating to slash. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The management practices must include procedures for—
 - (a) avoiding instability of slash and the ground under slash piles at landings;
 - (b) keeping slash away from high-risk areas (no-slash zones);
 - (c) managing slash in the vicinity of waterways, including identifying any areas where it would be unsafe or impracticable to retrieve slash from water bodies;
 - (d) ensuring that slash is not mobilised in heavy rain events (5% AEP or greater) and contingency measures for such movement, including requirements for slash removal from streams and use of slash traps.

Indigenous birds

- (5) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

- (6) The plan must include,—
- (a) with reference to the map, a description and the location of any relevant species identified—
 - (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and
 - (b) confirmation of areas where and periods when disturbance is not permitted; and
 - (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.

Other indigenous species of fauna

- (7) The plan must include procedures to—
- (a) identify any threatened or at-risk species of indigenous fauna present within the harvesting activity areas; and
 - (b) mitigate adverse effects on those species from the harvesting activity.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes;
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works;
- (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (the principal regulations). These regulations come into force on 3 November 2023, but regulations 13(2) and 44 (to the extent that it inserts new regulation 79(5)(b)) come into force on 3 April 2024, and the rest of regulation 44 comes into force on 3 January 2024.

The amendments expand the application of the principal regulations to include exotic continuous-cover forests. These are forests of exotic species of at least 1 ha that will not be harvested or replanted or are intended to be used for low-intensity harvesting (where a minimum of 75% canopy cover is maintained at all times) or replanted. The Title of the principal regulations is changed to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 as a consequence.

The amendments clarify that local authorities may make rules in relation to afforestation (including the location of forests) that are more stringent or more lenient than the principal regulations and that they may make rules for effects of afforestation that are not within the scope of those regulations. The amendments also provide for local authorities to have greater discretion in respect of matters relating to afforestation occurring on areas of land with very high erosion susceptibility and in respect of areas determined to be outstanding freshwater bodies by Treaty of Waitangi settlement legislation. The amendments also provide for local authorities to charge for the monitoring of afforestation.

The amendments also include—

- changes to provisions relating to river crossings:
- changes to wilding tree risk management requirements:
- changes to slash management requirements:
- provision of separate planning requirements for afforestation and replanting, forestry earthworks, quarry erosion and sediment management, and harvest activities:
- changes to notice requirements in respect of earthworks and forestry quarrying and a new notice requirement for replanting of commercial forests:
- provision for joint notice where more than 1 activity is required to be notified at the same time.

Regulatory impact statement

The Ministry for the Environment and the Ministry for Primary Industries produced a supplementary analysis report on 26 September 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this supplementary analysis report can be found at—

<https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/>

<https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in Gazette: 5 October 2023.

These regulations are administered by the Ministry for the Environment.