



1 ACTIVITIES AND EFFECTS NOT REGULATED UNDER THE NES-PF

Understanding the scope of the NES-PF and what activities and effects are regulated and not regulated is important to assist with implementation and to avoid unintended compliance issues. The NES-PF regulates the main *plantation forestry activities* and common ancillary activities that occur throughout the forestry life cycle. These are defined in Regulation 5 and described in Part 2 of the NES-PF, including:

- The eight core *plantation forestry activities* in Part 2, subparts 1-8
- The three ancillary activities in Part 2, subpart 9
- The general provisions in Part 2, subpart 10.

These regulations cover the majority of the activities and effects associated with planting, growing and harvesting *plantation forest*. Detailed information on these activities and general provisions is provided in the [NES-PF User Guide](#).

There are also forestry related activities and effects not regulated under the NES-PF that will continue to be managed under regional and district plans and/or other legislation. The fact that the NES-PF is not a complete rule set for *plantation forestry* is clearly stated in Regulation 5 which sets out the scope of *plantation forestry activities* regulated under the NES-PF. Regulations 5(3) and (4) state that:

- “(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.”*

The explanatory note¹ for the NES-PF further expands on the scope of the NES-PF as follows:

There are also certain activities and effects that are excluded from the regulations where regional and district plan rules continue to apply. Where a national environment standard states that an activity is permitted, a plan may specify terms and conditions to deal with effects of that activity that are different from the effects dealt with in the standard. For example, the effects on cultural and historic heritage and the effects from logging truck movements are excluded from the regulations, which allows plan rules to continue to manage effects on them.

The sections below provide examples of forestry related activities and effects not regulated under the NES-PF.

1.1 THE DEFINITION OF PLANTATION FORESTRY

The definition of *plantation forestry* in Regulation 3 sets out the types of *plantation forests* the NES-PF applies to. This states that the forest must be deliberately established for commercial purposes, be at least 1 ha of continuous cover of *forest species* that has been planted and has been or will be *harvested* or *replanted*. A *plantation forest* also includes all associated *forestry infrastructure*.

¹ The explanatory note is not part of the regulations but is intended to indicate their general meaning.



The definition of *plantation forest* also sets out the forests that the NES-PF does not apply to, which includes:

- Shelter belts; or
- Nurseries, seed orchards or trees grown for fruit or nut; or
- Long-term ecological restoration plantings; or
- Willows and poplars space planted for soil conservation purpose.

The NES-PF applies to *plantation forests* in areas zoned primarily for rural or rural-residential activities. It does not apply to *plantation forests* in *urban areas* zoned primarily for residential, industrial and commercial activities. This is because any *plantation forestry activities* in these zones would require more specific controls to manage the potential effects on surrounding land uses.

Refer to section 2 of the [NES-PF User Guide](#) for more detailed guidance on the definition of plantation forestry in the NES-PF.

1.2 ACTIVITIES NOT REGULATED UNDER THE NES-PF

Not every activity that takes place in a *plantation forest* is regulated under the NES-PF. This is because they are not universally carried out as part of *plantation forestry* operations and/or it is not appropriate to have nationwide rules for these activities within the NES-PF.

Table 1 below provides examples of forestry related activities not regulated under the NES-PF. It is important to note **this list is not exhaustive**.

Table 1: Examples of activities not regulated under the NES-PF.

Activity	Explanation
Vegetation clearance prior to afforestation	<i>Vegetation clearance</i> prior to <i>afforestation</i> is not an activity which is controlled through the terms and conditions of the NES-PF and will continue to be managed through the relevant regional and district plan rules. This is clearly stated in regulation 5(3)(a) and the definition of <i>afforestation</i> . This is because the NES-PF is intended to apply to the forestry life cycle, not activities that may occur prior to <i>afforestation</i> . <i>Vegetation clearance</i> at a large scale to establish a forest could also have significant site-specific effects which are best managed at the local level.
Timber milling and processing	Timber milling and processing are not activities that are regulated under the NES-PF and will continue to be managed locally. This is clearly stated in the definition of <i>harvesting</i> which states that it does not include “ <i>milling activities or processing of timber</i> ”. This is because the effects of timber milling and processing plants are quite distinct from the effects of growing and <i>harvesting</i> a forest.
Agrichemical use	The use of agrichemicals is not an activity which is controlled through the terms and conditions of the NES-PF; instead it will continue to be managed by the relevant council. This is because agrichemical use is not universally undertaken as part of forestry operations. The use of agrichemicals is also governed by several instruments, including the Hazardous Substances and New Organisms Act and associated regulations, and codes of practice, in addition to RMA plan rules.
Gravel extraction from the beds of rivers	Gravel extraction from the beds of rivers is not an activity which is controlled through the terms and conditions of the NES-PF and will continue to be managed through regional plans. This is clearly noted in the definition of <i>forestry quarrying</i> which states that it does not include “ <i>gravel extraction from the bed of a river, lake or other water body</i> ”.
Logging truck	The NES-PF does not regulate truck movements on roads and associated effects. The definition of <i>forestry road</i> and <i>forestry track</i> in the NES-PF specifically



Activity	Explanation
movements on roads	excludes roads and tracks that are “ <i>managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency</i> ”. Local truck movements on these roads has implications under other legislation and cannot be managed through a NES.

1.3 PERMITTED ACTIVITIES - EFFECTS NOT ADDRESSED IN THE NES-PF TERMS AND CONDITIONS

Section 43A(5) of the RMA sets out the relationship between plan rules and NES when these allow or permit an activity as follows (emphasis added):

“(5) *If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:*

- (a) *a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and*
- (b) ***the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and***
- (c) *if a plan’s terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.*

While the NES-PF conditions have been designed to address the key environmental effects associated with *plantation forestry*, such as effects on water quality and ecological effects, there are certain effects that are not addressed by the terms and conditions in the NES-PF. Table 2 below provides examples of forestry related effects not regulated under the NES-PF. It is important to note **this list is not exhaustive**.

Table 2: *Examples of effects not addressed in the NES-PF terms and conditions.*

Effects	Explanation
Effects on cultural and historic heritage	Effects on cultural and historic heritage values and sites, including wāhi tapu and archaeological sites, are not addressed by the terms and conditions in the NES-PF and will continue to be managed by the relevant regional and district plans. This is because cultural and heritage sites, areas and values are site specific and how these effects are managed through RMA plans varies between councils. Given the location specific nature of cultural and historic heritage sites, these are best managed through local rules and/or through the Heritage New Zealand (Pouhere Taonga) Act 2014 ² .
Off-site nuisance effects	Off-site nuisance effects, such as the impact of logging truck movements on local roads, are not addressed by the terms and conditions in the NES-PF and will continue to be managed locally. Traffic movement and roading issues also have implications under the Local Government Act 2002.
Effects on water yield	Effects of forestry on water yield are not addressed by the terms and conditions in the NES-PF and regional council rules relating to water yield will continue to apply. <i>Afforestation</i> can have an impact on total water yield and low flows in low-to-moderate rainfall areas and this variability means that controls on <i>afforestation</i> may be required for water-sensitive catchments. For this reason, it is intended that regional councils

² Note that under the Heritage New Zealand Act, an archaeological site is defined as any place, building, or structure that was associated with human activity that occurred before 1900. Even if a particular archaeological site is not managed by a district or regional plan, damaging it will still require authorisation from Heritage New Zealand.



Effects	Explanation
	retain the ability to manage <i>afforestation</i> in catchments that have been assessed as being water sensitive.
Effects on fire risk	The effects of forestry on fire risk are not addressed by the terms and conditions in the NES-PF and will continue to be managed locally. This is because fire risk is normally seasonal and site-specific and depends on the nature of the surrounding environment (for example, if there are houses or communities near a <i>plantation forest</i>). As such, councils will retain the ability to manage these risks locally in conjunction with the Fire and Emergency New Zealand Act 2017.
Effects on network utility infrastructure	Effects on network utility infrastructure are not addressed by the terms and conditions in the NES-PF and will continue to be managed locally. This is because the effects of forestry on network infrastructure, particularly health and safety issues, should be managed at a local level to account for local circumstances. Further, the Electricity (Hazards from Trees) Regulations 2003 applies to all trees, including <i>plantation forests</i> , that encroach on power lines. As such, effects on network utility infrastructure are best addressed at a local level.