

SIX TIPS TO HELP ACHIEVE COMPLIANCE WITH THE NES- PF

It is important to know what needs to be done in order to successfully implement the National Environmental Standards for Plantation Forestry within your organisation.

It is not possible to specify a 'one-size-fits-all' approach to implementing the changes required to secure compliance with the new NES-PF regulations. Forest operators come in different sizes, they use a variety of internal management and operational procedures, and there are geographical differences in terrain and existing planning instruments which all affect how different operators will need to respond to the NES-PF.

Even so, there are some key steps that we consider are common to all forest operators that should be undertaken to help achieve compliance with the NES-PF, which are discussed below.

1. Appoint a 'NES-PF champion'

An important first step is to appoint a 'NES-PF champion' within your organisation. This person is charged with responsibility for becoming intimately familiar with the NES-PF and critically understanding what needs to change in the day-to-day activities of the business in order to achieve compliance with the new regulations. This person should have the support of senior management and their work should be understood at a governance level.

2. Review and update management plans

It will be necessary to review and update existing management plans for harvesting, earthworks and forestry quarrying to ensure they comply with the NES-PF. We suggest you take the best example of such plans from within your organisation and then review that document against the criteria specified in Schedules 3 and 4 of the NES-PF, making such changes as required. The updated management plan can then be used as a precedent document across the organisation on a consistent basis.

3. Develop processes and procedures to secure operational compliance

Management plans are only as good as their implementation. So it's important to ensure there are processes and procedures in place to ensure that they are being implemented at an operational level within the forest. This means you will need to work closely with the people that are responsible for getting the job done in the forest.

Critical to success will be ensuring 'buy-in' to the new requirements by roading contractors, harvesting gangs and other contractors that work in the forest on a day-to-day basis. In some parts of the country this will probably require additional training and changes to the way things have been done previously.

In addition, systems and procedures will need to be updated to ensure that appropriate notice is given to local authorities within the required timeframes for forestry activities such as afforestation, earthworks, river crossings, forestry quarrying, and harvesting.

4. Build quality relationships with local authorities

Relationships with local authorities will be increasingly important under the NES-PF. It will be worthwhile taking time to build quality relationships. Discussions around implementation of the NES-PF should cover the following matters-

- How do they intend to implement changes to local planning instruments that are required to achieve alignment with the NES-PF?
- How should forest operators comply with notice requirements under the NES-PF?
- Will they require copies of the various management plans referred to in the NES-PF?
- What approach will they adopt regarding monitoring and compliance, including whether they intend to charge fees for monitoring permitted activities under the NES-PF (discussed below)?

5. Be aware that some 'local rules' still remain relevant

It's important to understand the NES-PF is not a 'one-stop shop'. The NES-PF allows more stringent local rules to prevail of the NES-PF regulations where they:

- give effect to specific national instruments, namely the National Policy Statement on Freshwater and the New Zealand Coastal Policy Statement,
- recognise and provided for specific matters of national importance under the RMA, and
- manage specific unique and sensitive environments.

The local rules that are allowed to be more stringent that you need to be aware of include-

- Regional rules to protect water quality and water quantity. For example, rules controlling sediment discharges from forestry activities and afforestation in flow sensitive catchments.
- District/regional rules regarding protection of outstanding natural landscapes and significant natural areas,
- District/regional rules regarding activities in areas containing separation point granite soils, activities in geothermal areas or any karst geology, activities conducted within 1 km upstream of the abstraction point of a drinking water supply, or forestry quarrying activities conducted over a shallow water table.

Note also that afforestation must not occur within a visual amenity landscape if a local rule restrict plantation forestry activities within that landscape.

In addition, some activities are outside the scope of the matters covered under the NES-PF. For example, local rules regarding cultural and historic heritage sites, noise and dust effects of logging trucks, and vegetation clearance from the land before afforestation will remain relevant because the NES-PF does not manage the effects of these activities.

6. Be vigilant regarding RMA plan reviews and Council annual plan processes

Keep an eye out for public notifications regarding RMA regional and district plan reviews. Check whether the proposed new plan contains amendment to the rules that will prevail over the rules in the NES-PF discussed at 5 above. If the new rules are more stringent than the NES-PF they replace then you should consider lodging a submission to help maintain the forestry sectors' licence to operate.

Under the NES-PF-Councils will be able to charge to recover the cost of monitoring permitted activities that relate to river crossings or which require a management plan (harvesting, earthworks and forest quarrying). If Councils decide to set a charge then they will need to provide for them in their annual financial plan developed under the Local Government Act. There are legal requirements that must be satisfied before these charges can be set by Councils, including a public consultation process which you can participate in to ensure that any proposed charges for monitoring forestry activities are appropriate and reasonable.

Conclusion

The objective of these implementation tips is to help ensure that when the NES-PF becomes operative on 1 May 2018 you:

- understand the implications for your business; and
- are confident that your forestry operations are compliant with the new RMA requirements.

If you have suggestions about other steps that forest operators should be completing to achieve NES-PF compliance or questions about any of the matters discussed above, please let us know.

Kind regards

THE TEAM AT ADDERLEY HEAD
Environmental Law Specialists

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