

National Environment Standards for Plantation Forestry – rules in the Tairāwhiti Resource Management Plan and Gisborne Regional Freshwater Plan Decision Version still apply to forestry activities

Introduction

The National Environmental Standards for Plantation Forestry 2017 (NESPF) are regulations made under the Resource Management Act 1991 (RMA) that provide a nationally consistent set of standards to manage the environmental effects of plantation forestry activities. The eight plantation forestry activities regulated by the NESPF are:

- 1) Afforestation;
- 2) Pruning and thinning to waste;
- 3) Earthworks;
- 4) River crossings;
- 5) Forestry quarrying;
- 6) Harvesting;
- 7) Mechanical land preparation; and
- 8) Replanting.

The NESPF also regulates ancillary activities such as indigenous vegetation clearance and slash traps that may occur at any stage in the life cycle of a forest.

From 1 May 2018, foresters who wish to undertake any of these plantation forestry activities will need to comply with the NESPF.

Although the NESPF regulations replace most local rules in regional and district plans that manage forestry activities, more stringent local rules will continue to apply in some circumstances. These circumstances are when flexibility is required for council rules to protect locally significant and sensitive environments, and to give effect to other National Policy Statements under the RMA.

In addition, some local rules manage effects caused by plantation forestry activities that are not covered by the NESPF. Further detail on when local plan rules will continue to apply is provided below.

Where plan rules may be more stringent than NESPF

Regulation 6 of the NESPF sets out the circumstances where local rules prevail over the NESPF. These circumstances are:

- **National instruments** – where a rule gives effect to:
 - An objective developed to give effect to the National Policy Statement for Freshwater Management; or
 - Policies 11, 13, 15, or 22 of the New Zealand Coastal Policy Statement;
- **Matters of national importance** – where a rule provides for the protection of:
 - Outstanding natural features and landscapes from inappropriate use and development; and
 - Protection of 'significant natural areas' (significant ecological areas)
- **Unique and sensitive environments** – where a rule manages activities in Separation Point granite soils (in a green, yellow or orange zone), geothermal areas, karst geology or protects sources of human drinking water.¹
 - Council has reviewed the current rules in the Tairāwhiti Resource Management Plan and the Gisborne Regional Freshwater Plan Decision Version and has identified which rules prevail over the NESPF under Regulation 6 (see Table 1 & 2 below). Foresters will need to check this list and ensure that they comply with the more stringent rules if it applies to their forestry activity.

¹ Only if the rule manages 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 or 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.

Effects that are not addressed in the NESPF that continue to be managed locally

Under section 43A(5)(b) of the RMA, a regional or a district plan can continue to manage the effects of plantation forestry activities that are different from those dealt with by the NESPF. Some examples include effects on cultural or heritage features or effects on network utilities. Local rules that manage effects not covered by the NESPF will continue to apply to plantation forestry activities in addition to the NESPF regulations. The Tairāwhiti Resource Management Plan and Gisborne Regional Freshwater Plan Decision Version rules also apply to plantation forestry outside the scope of the definition of plantation forestry in the NESPF.

Council has identified the rules in the Tairāwhiti Resource Management Plan and Gisborne Regional Freshwater Plan Decision Version that continue to apply under section 43A(5)(b) (see Table 1 & 2 below).

Summary of plan rules that still apply to plantation forestry activities

The tables below provides a summary of rules in the Tairāwhiti Resource Management Plan and Gisborne Regional Freshwater Plan that still apply to plantation forestry activities where relevant. If any rules are triggered, resource consent under the Tairāwhiti Resource Management Plan or Gisborne Regional Freshwater Plan will be required.

Note: if you are unsure about whether there are plan rules that apply to your activity, contact Gisborne District Council customer service: Phone - (+64 06) 867 2049 or 0800 653 800 or Email – forestry@gdc.govt.nz

Table 1: Tairāwhiti Resource Management Plan Rules that continue to apply to plantation forestry activities

Tairāwhiti Plan Section	Rules	Rationale
C3: Coastal Management Rules relating to: <ul style="list-style-type: none"> Coastal Environment Overlay 	C3.14.3(8); C3.14.3(10), C3.14.3(13).	NESPF Regulation 6(1)(b).
C4: Cultural and Historic Heritage Rules relating to: <ul style="list-style-type: none"> Overlay 1 (Heritage Alert Layer) Overlay 2 (Archaeological Sites and Areas) Overlay 3 (Waahi Tapu and Waahi Tapu Areas) 	C4.1.12(1); C4.1.12(2); C4.1.12(6) – C4.1.12(9); C4.1.12(12); C4.1.12(13).	The NESPF does not deal with effects on cultural and historic heritage.
C9: Natural Heritage Rules relating to: <ul style="list-style-type: none"> Outstanding Landscape Area Overlay Protection Management Area Overlay Wetlands Riparian Margins 	C9.1.6(36); C9.1.6(37); C9.1.6(39); C9.1.6(40); C9.1.6(41); C9.1.6(43); C9.1.6(44); C9.1.6(45). C9.3.2(5); C9.3.2(6) C9.3.5(1); C9.3.5(7); C9.3.5(8); C9.3.5(9); C9.3.5(10);	NESPF Regulation 6(2)(a). NESPF Regulation 6(2)(b). NESPF Regulation 6(1)(a). NESPF Regulation 6(1)(a).

Table 2: Gisborne Freshwater Plan Decision Version rules that continue to apply to plantation forestry activities

Freshwater Plan	Rules	Rationale
Section 5: Water quality and discharge to Water and Land	5.1.3; 5.1.9g); 5.1.13; 5.1.14	NESPF Regulation 6(1)(a).
Section 6: Activities in the Beds of Rivers and Lakes	6.1.3 – 6.1.21	NESPF Regulation 6(1)(a).

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