



# Changes to the National Environmental Standards for Plantation Forestry (now Commercial Forestry)

## Contents

Overview	1
Expanding the types of forests controlled by the NES-CF	2
Controlling the location of forests	3
Other amendments	3
Appendix 1 – Table of new definitions	7

## Overview

A commercial forest is defined as an exotic continuous-cover forest, or an exotic or indigenous plantation forest.

- The National Environmental Standards for Commercial Forestry (NES-CF), formerly the National Environmental Standard for Plantation Forestry (NES-PF), are for managing the environmental effects of plantation and exotic continuous-cover forestry (sometimes called carbon forestry).
- Changes have been made to how commercial forestry is managed to give councils more power to decide where new forests are located.
- Exotic continuous-cover forests (carbon forests) are now managed in the same way as plantation forests.
- The changes improve the management of the effects of large-scale forestry on the environment and communities. This will ensure the long-term sustainability of new and existing exotic forests.

- The changes also ensure the regulations deliver the right type and scale of forests, in the right place. This is an action in the first Aotearoa Emissions Reduction Plan.

#### Who is this fact sheet for?

This factsheet is for [regional councils](#) and [territorial authorities](#) who need to know about the changes affecting their future planning options.

It's also for [foresters](#) and [landowners](#) who need to know how the amendments affect them.

## Expanding the types of forests controlled by the NES-CF

### Exotic continuous-cover forestry now included

The NES-CF now includes exotic continuous-cover forestry to ensure all exotic forests that are planted for commercial purposes, including carbon sequestration, are now managed under national direction. There is new definition for exotic continuous-cover forest. The definition of a plantation forest remains the same. Some of the new definitions added to the NES-CF are included in Appendix One.

#### Definition of exotic continuous-cover forest

An exotic continuous-cover forest is one that's deliberately established for commercial purposes. It is at least 1 hectare of continuous forest cover of exotic forest species that has been planted and—

- will not be harvested or replanted; or
- is intended to be used for low intensity harvesting or replanted; and
- includes all associated forestry infrastructure.

#### An exotic continuous-cover forest does not include:

- 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
- forest species in urban areas; or
- nurseries and seed orchards; or
- trees grown for fruit or nuts; or
- long-term ecological restoration planting of indigenous forest species; or
- willows and poplars space-planted for soil conservation purposes.

Exotic continuous-cover forestry is subject to all of the regulations that apply to plantation forestry. Indigenous continuous-cover forestry is not subject to the regulations.

### Harvesting exotic continuous-cover forests

To remain in the exotic continuous-cover forest category, a forest can only be low intensity harvested, or not harvested at all. That means harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of forest land.

Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if it complies with the same permitted activity conditions as other harvest activities (regulations 64-69). Relevant forest planning requirements also need to be complied with.

A territorial authority discretionary activity consent is needed for harvesting an exotic continuous-cover forest, unless it is low intensity harvesting.

## Controlling the location of forests

The NES-CF gives councils more control over the location of new plantation and exotic continuous-cover forests (afforestation). This means councils can introduce (if they choose) more stringent or lenient rules that reflect the views of their communities regarding new forests. If they choose to make new rules, they will need to go through the usual plan making processes, including public consultation. If councils have already made rules about exotic continuous-cover forests, they can keep those rules.

### Further discretion for councils regarding afforestation

There are more things councils can consider when deciding whether a resource consent is needed for afforestation. These are additional matters of discretion in the regulations (regulation 17(4)(d)-(h)).<sup>1</sup> These are:

- planting location and species, including planting density and establishment practice
- future harvesting and earthworks effects
- the level of risk to communities and infrastructure that might be adversely affected by slash or sediment
- the forest type (plantation or exotic continuous cover)
- management requirements to avoid adverse effects on ecosystems, freshwater, the coastal marine area, communities, and infrastructure.

### Charging to monitor afforestation

In-line with other forestry monitoring charges, local authorities can now charge for monitoring of afforestation where it is a permitted activity.

## Other technical amendments

### Wilding tree risk management

#### Calculator and risk guidelines

The wilding tree risk calculator assesses the wilding tree risk score using a [calculation sheet](#). A new requirement has been introduced requiring foresters to provide the calculation workings alongside the wilding tree risk calculator score. The Wilding Tree Risk Calculator guidelines require that an

---

<sup>1</sup> Under the NES-PF some of these were matters of discretion as they related to avoiding, remedying, or mitigating erosion. Under the NES-CF councils can consider them in their own right.

assessment of each element of wilding tree risk for each relevant area of forest is undertaken. This comes into force on 3 April 2024 for afforestation.

The wilding tree risk calculator will be updated with the latest science and knowledge on wilding conifer risk and risk assessment. The updated version will be incorporated by reference in the regulations. The calculation sheet will be reformatted into a 'worksheet style' to include the calculation workings to ensure that workings and calculations are submitted in the same way.

## **Timeframes for afforestation and replant notice to councils extended**

The timeframes for afforestation and replant notice to councils has been extended. Notice is now required at least 20 working days and no more than eight months before afforestation and replanting.

This means that up to eight months before planned afforestation or replanting, foresters can submit their afforestation or replanting notice, including the wilding tree risk calculator score and calculation sheet, to councils.

## **Replanting**

In the NES-CF, a wilding tree risk assessment is required for all forests before replanting.<sup>2</sup> This recognises the long-life cycle of forestry, and that wilding tree risk may change between afforestation and replanting.

If the wilding tree risk calculator score is less than 12, replanting is permitted. With a score of 12 or higher, replanting will become a controlled activity and foresters will have to apply for consent.

If a consent is required, control is reserved to those matters for which discretion is restricted to for afforestation (listed in regulation 17(1)); actual wilding conifer spread, including measures to mitigate that spread and proposed measures to mitigate that spread; and timing, and location and species (regulation 80(4)).

## **Slash management**

A new permitted activity standard for managing forestry slash on the cutover and some minor amendments have been made to regulation 69 which manages the effects of slash at harvest. The new standard is:

On orange zone and red zone land,<sup>3</sup> slash from harvesting that is "sound wood"<sup>4</sup> must be removed, unless it is unsafe to do so, if it has—

---

<sup>2</sup> The requirement to include the wilding tree risk calculator workings and score (regulation 79(5)(a)) comes into effect 3 January 2023. This excludes the requirement to provide an assessment of each element of wilding tree risk for each relevant area of forest (regulation 79(5)(b)), which come into effect on 3 April 2023.

<sup>3</sup> 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.

<sup>4</sup> Sound wood means wood that can be safely lifted using harvesting equipment and transferred to a landing without degrading or breaking up.

- a length of over 2 m; and
- a large-end diameter of over 10 cm.

Some residual slash<sup>5</sup> larger than this size may be left on the cutover. This must be no greater than 15 m<sup>3</sup> of wood per hectare of the cutover<sup>6</sup>.

If foresters can't meet this requirement, harvest will become a controlled activity and they will have to apply for a consent (Regulation 70). Councils can then decide how to manage the slash on the site. Where harvest is restricted discretionary activity councils retain their ability to set conditions to contain and remove slash with new wording to include minimum requirements for removal from the cutover [Regulation 71(2)(f)]

## Forest planning requirements

Planning requirements in the NES-CF now include Forest Planning Requirements (FPR) for both exotic continuous-cover forests and plantation forests. Detailed information about what must be provided to councils through FPRs can be found in schedules 3-6 in the NES-CF.

The NES-CF aims to improve forest planning by requiring foresters and landowners to document how they will meet the NES-CF requirements. The council may request these plans, and their request must be in writing. The activities requiring formal plans are:

- afforestation
- replanting
- earthworks
- forest quarrying
- harvest.

To enable councils to integrate FPRs in their information management systems, councils can require that maps be submitted in a GIS compatible format. This will make it easier for councils to access and record the information.

## Operational amendments

Minor amendments to regulations around how forests operate. The areas which are affected are:

- the definition of sediment control measures is now aligned with that in the National Environmental Standard for Freshwater (NES-F) (Regulation 3)
- new standards have been added to manage vehicle use in and around wetlands to align with the NES-F (Regulation 97(2A))
- fords have been included in the definition of a river crossing for certainty (Regulation 3).

---

<sup>5</sup> Residual slash means a quantity of the slash required to be removed under sub- clause (5) not exceeding 15 m<sup>3</sup> per hectare of the cutover

<sup>6</sup> Cutover means to ensure it includes the land area that has been harvested, and down/up to the point where regulation 69(3) applies.

- discharge regulations to clarify that vehicles crossing the wetted riverbed at a rate of up to 20 axle movements per day is permitted (Regulation 97(7))
- new permitted activity standards for river crossings:
  - removable in-stream structure (Regulation 46(8))
  - double culverts (Regulation 46(1))
  - fish passage – regional councils can determine where fish passage must be restricted to meet new requirements in the National Policy Statement for Freshwater Management (Regulation 40(1)(b))
  - requirements for embedding culverts are now the same as those in the NES-F (Regulation 46(1))
- a new flood flow calculation method has been incorporated by reference in the regulations. The NIWA Regional Flood Estimation Tool will replace item 3 in schedule 2 of the NES-CF (Regulation 45(1))
- regional councils now have a new matter of discretion relating to outstanding freshwater bodies. Councils can give effect in resource consents to statutory acknowledgements established under a Treaty of Waitangi settlement
- notice periods for earthworks and forestry quarrying in green and yellow erosion susceptibility zones have changed. The minimum notice period in the NES-PF was 20 working days. This has been reduced to 10 working days before the start date of the activity (Regulation 25(2) and Regulation 52(2))
- regulation 57, which managed quarrying traffic on district roads, has been repealed.

For any queries or further information, please contact [nespf.consultation@mfe.govt.nz](mailto:nespf.consultation@mfe.govt.nz).

Disclaimer The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.



## Appendix 1 – Table of new definitions

Term	Definitions
Basal area	<p>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.</p> <p>Nb - Basal area is used to determine whether the forest is exotic or indigenous.</p>
Commercial forest	means exotic continuous-cover forestry or plantation forestry.
Exotic forest	means a forest that consists of 50 per cent or more of exotic forest species by basal area.
Indigenous forest	means a forest that consists of more than 50 per cent of indigenous forest species by basal area.
Exotic forest species	means a forest species that is not an indigenous forest species.
Low intensity harvesting	means harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of forest land.
Plantation forest (no change from NES-PF)	<p>means a forest deliberately established for commercial purposes, being—</p> <p>(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</p> <p>(b) includes all associated forestry infrastructure; but</p> <p>(c) does not include—</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) forest species in urban areas; or</li> <li>(iii) nurseries and seed orchards; or</li> <li>(iv) trees grown for fruit or nuts; or</li> <li>(v) long-term ecological restoration planting of forest species; or</li> <li>(vi) willows and poplars space-planted for soil conservation purpose.</li> </ul>
Indigenous forest species	means a forest species that occurs naturally in New Zealand or has arrived in New Zealand without human assistance.
Exotic continuous-cover Forest	<p>means a forest that is deliberately established for commercial purposes, being—</p> <ul style="list-style-type: none"> <li>• at least 1 ha of continuous forest cover of exotic forest species that has been planted and— <ul style="list-style-type: none"> <li>– will not be harvested or replanted; or</li> <li>– is intended to be low intensity harvested or replanted; and</li> </ul> </li> <li>• includes all associated forestry infrastructure; but</li> <li>• does not include— <ul style="list-style-type: none"> <li>– 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</li> <li>– forest species in urban areas; or</li> <li>– nurseries and seed orchards; or</li> <li>– trees grown for fruit or nuts; or</li> <li>– long-term ecological restoration planting of indigenous forest species; or</li> <li>– willows and poplars space-planted for soil conservation purposes.</li> </ul> </li> </ul>