

GOOD PRACTICE GUIDE

SWAMP KAURI INDUSTRY





Publisher

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Contents

Preface	2
Context of the swamp kauri industry	3
The purpose of the guide	4
How to read the guide	4
1 Values associated with swamp kauri	5
2 Procedure	8
3 Compliance	18
Appendices	19
Definitions	20

Preface

The Good Practice Guide for the Swamp Kauri Industry ('the Guide') brings together the statutory requirements and regulations for extracting, milling, and exporting swamp kauri timber; provides information on one way that these can be met; and outlines steps to avoid or mitigate adverse impacts to the values associated with swamp kauri. The content of this guide has been drawn from:

- The Forests Act 1949;
- The Heritage New Zealand Pouhere Taonga Act 2014;
- The Northland Regional Water and Soil Plan;
- The Auckland Unitary Plan Operative in part;
- The Northland Regional Council's "kauri log extraction procedure";
- "Understanding the scientific value of swamp kauri; "Swamp kauri cultural heritage values assessment"; and "Swamp kauri resources of Northland" and;
- Te Uru Rākau – New Zealand Forest Service's operational procedures for implementing the Forests Act 1949.

This guide does not override or supplement any legislative instrument or provision of any legislative instrument. The content of this guide was accurate at the date of publication, however it is the responsibility of every person who carries out an operational activity in the swamp kauri industry to ensure they comply with any statutory requirements and relevant rule or process under a district or regional policy or planning instrument. Failure to comply may result in prosecution or other enforcement action.

This guide was developed with the assistance of the Northland Regional Council; the Far North, Whangarei, and Kaipara District Councils; Nelson's Kaihu Kauri, Swamp Kauri Investments, and Kauri Ruakaka Limited; Rangitane Marsden; and Dr Andrew Lorrey.

Context of the swamp kauri industry

Swamp kauri is timber that has been buried and preserved in peat bogs. The extraction of swamp kauri is regulated under the Resource Management Act 1991. Regional and district councils are responsible for administering many of the key functions under the Resource Management Act 1991. As timber from an indigenous tree species, the milling and export of swamp kauri is regulated under the Forests Act 1949, and it is considered to be 'salvaged' or naturally dead timber under the Act. Te Uru Rākau – New Zealand Forest Service is responsible for administering the Forests Act.

There is a risk that activities associated with swamp kauri extraction may modify or destroy archaeological sites. Most protective mechanisms for land-based historic heritage are administered by local authorities under the Resource Management Act. However, Heritage New Zealand retains regulatory responsibilities regarding archaeological sites, under the Heritage New Zealand Pouhere Taonga Act 2014.



The purpose of the guide

The purpose of this Guide is to help swamp kauri extractors, sawmillers, and exporters understand their legal requirements and promote the enhancement of values associated with swamp kauri. The Guide will achieve this by:

- identifying the statutory and regulatory requirements for extracting, milling, and exporting swamp kauri;
- outlining processes that can be followed as a way to meet these requirements; and
- providing steps intended to maintain or enhance the scientific and cultural values associated with swamp kauri and the areas where it is extracted.

How to read the guide

The Guide is organised into three sections:

1. Values

Outlines the values associated with swamp kauri, and some of the risks to these values.

2. Procedures

Outlines the requirements for extracting, milling, and exporting swamp kauri; sets out a way operators can meet these; and provides voluntary steps operators can follow to maintain those values identified in the first section. This section is divided into three parts; extraction; milling; and exporting.

3. Compliance

Monitoring and enforcement procedures.

These sections are followed by an appendix with key information including contact details. Throughout the Guide:

- mandatory requirements which must be complied with **are highlighted in green**; Please note not adhering to legal requirements may result in prosecution or other enforcement action (as determined by the relevant enforcement agency- see section 3);
- the milling and export provisions of the Forests Act and regulations made under it have been explained in the context of swamp kauri timber; and
- the person responsible at each step is identified by the role they are filling at that point (e.g. sawmiller; exporter). Where this is not clear (for example, if a person could be fulfilling multiple roles), the term 'Operator' has been used.

1 Values associated with swamp kauri

This section outlines the cultural, environmental, scientific and economic values associated with swamp kauri, and some of the risks the extraction, milling and export of swamp kauri poses to these values. Links to further reading can be found on page 19.

Cultural values¹

Kauri (*Agathis australis*) is a taonga and a key component of Te Ao Māori, and holds an important place in both Māori and Pakeha history in New Zealand. Kauri gum was an important resource for Māori, used as a fire starter and for torches. The wetland areas where swamp kauri was preserved were and are significant to Māori, being used for food collection and the storage of cultural materials.

- Kauri is an ariki taonga, the most special of treasures in Te Ao Māori.
- There is the potential for swamp kauri to be sourced from areas significant to Māori.

The pūrākau/story of kauri

Kauri is associated with creation stories detailing how Ranginui and Papatuanuku, bound together in a tight embrace of enveloping continued darkness, were separated by Tāne, who along with his brothers decided that they would separate their parents. Tane pushing upwards, and his brothers using “poles”, achieved this feat and in doing so let light into the world. Ranginui becoming the male element (heavens) Papatuanuku (female element) the earth mother. At this time the many children of Ranginui and Papatuanuku spread, to the numerous elements and environments, the sea, to the sky and to the land, but all were connected by whakapapa.

Environmental values²

Most swamp kauri is found in areas that are, or were, lowland bogs and peat swamps. Other environments known to preserve kauri are ancient river beds, stabilised sand dunes, and areas where landslides have toppled and trapped kauri. The bulk of swamp kauri is now found under highly modified agricultural landscapes, however it is important that steps are taken to maintain remaining environmental and ecological values which might be present in these areas.

- Swamp kauri can be found in or near sensitive environments such as lowland bogs.
- Extraction at or near such sites risks damage to their environmental and ecological values by modifying drainage patterns.

Scientific values³

Swamp kauri tree ring samples are a globally unique resource to science, and a world-class palaeoarchive. Each piece of wood (and its associated deposits) may hold crucial information for scientific research. Data gathered from swamp kauri has and will continue to help improve our understanding of New Zealand’s natural history.

- Swamp kauri is a paleoenvironmental record of global significance.
- If researchers are unable to analyse swamp kauri timber, irreplaceable data can be lost to science.

1 <https://www.mpi.govt.nz/document-vault/16240> with additions shared by Rangitane Marsden (Ngai Takoto)

2 <https://www.mpi.govt.nz/document-vault/16237>

3 <https://www.mpi.govt.nz/document-vault/16243>

Economic values

Until the second half of the 20th century, swamp kauri had little or no monetary value. The market for swamp kauri products has since grown, and swamp kauri is now turned into a wide range of products, sold in New Zealand and overseas.

- Extraction often involves removing the swamp kauri timber from the surface of pastoral land, thereby improving productivity for the farmers.
- Extraction contributes employment to local communities, however costs that are incurred during extraction are not always recovered as the quality of the timber is only recognisable once milled.
- The careful management of swamp kauri storage is important due to the limited lifespan of above-ground product.
- Recognition of the cultural, environmental and scientific values of swamp kauri is important for maintaining its economic value.



Swamp kauri

Te Uru Rākau

New Zealand Forest Service



Swamp kauri was formed when kauri trees fell into soils ideal for preservation. These were generally lowland bogs, where sediments protected the wood from exposure and decay or sometimes in the soil between old sand dunes.



Due to logging, gum digging and land clearance the majority of swamp kauri is now found in areas used for farming.



A kauri stump is the lower part of a trunk, with or without roots, that is partially in the ground. It can't be any taller at its highest point than its width at ground line. The ground line can be difficult to find on some swamp kauri stumps – if the tree grew on a hill or if a layer of leaves built up around the base over time, then the ground line will be higher.

2 Procedure

A quick reference guide to the overall procedures can be found on page 17.

Roles and responsibilities of those involved in the swamp kauri industry

Te Uru Rākau – New Zealand Forest Service	Te Uru Rākau – New Zealand Forest Service is responsible for administering the Forests Act 1949 and regulations made under that Act.
Mana whenua	Mana whenua play an important role as kaitiaki of the land, resources, and taonga within their rohe. In the context of the regulation of swamp kauri, this role is recognised under the Resource Management Act 1991.
The swamp kauri industry	Operators are responsible for complying with all of the requirements for extracting, milling, and exporting swamp kauri.
Regional councils	Regional councils are responsible for administering many of the key functions under the Resource Management Act 1991. In particular, they are responsible for controlling the environmental effects of activities associated with the extraction of swamp kauri such as disturbance of wetlands, land drainage and the diversion of water around, and the discharge of water from, extraction sites. This includes development of strategic policy, management of consenting and compliance monitoring of both consented and permitted activities.
District and city councils	District and city councils have responsibilities that relate to swamp kauri extraction, most particularly in managing land disturbance (earthworks and vegetation clearance). This includes development of strategic policy, management of consenting, and compliance monitoring of both consented and permitted activities.
Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga (Heritage New Zealand) is responsible for promoting the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.
Swamp Kauri Research Consortium	The Swamp Kauri Research Consortium is a group which has been established to coordinate the scientific research of swamp kauri. Its membership constitutes the leading swamp kauri researchers, covering multiple scientific fields ³ .

Extracting swamp kauri

The extraction of swamp kauri poses risks to the values identified in section 1. The objective of this section is to help manage these risks by providing a process for swamp kauri extraction that is:

- Consistent with the law;
- Maintains the values of the areas where swamp kauri could potentially be extracted; and
- Enhances the scientific value of swamp kauri.

1. Pre-extraction planning

Action: Operators should conduct pre- extraction planning.

- Check the relevant regional and district plans to determine if resource consent is required.
- Define the area to be dug and mark it on a map.
- Obtain the necessary consents or comply with the standards for any permitted activity.
- An archaeological authority is required before undertaking any activity that will or may modify or destroy an archaeological site.

Guidance: Activities associated with extraction which may require a resource consent include (but are not limited to):

- extraction in or near a wetland or discharge of water/runoff into to a water body;
- the presence of an archaeological site or a site of cultural significance; and/or
- soil disruption or removal of indigenous vegetation.

Extracting swamp kauri from sites such as paddocks or areas covered in exotic weeds reduces the risk of damaging ecologically significant and/or sensitive sites. The definition of "wetland" is on page 21.

The definition of an archaeological site can be found on page 21. Information on archaeological sites and sites of cultural significance to Māori can be obtained by arranging for assessment by a qualified archaeologist, or contacting the local Heritage New Zealand office or the local council (see below).

Action: Operators who are planning to extract swamp kauri, or who come across swamp kauri incidentally (e.g. while doing earthworks) should notify the following:

- the relevant Regional and District Councils;
- the local Heritage New Zealand office; and
- Te Uru Rākau – New Zealand Forest Service.

Guidance: Contact details for Regional and District Councils and Heritage New Zealand's regional offices can be found on page 19. Te Uru Rākau – New Zealand Forest Service can be contacted at 0800 00 83 33 or indigenous.forestry@mpi.govt.nz

- Notifying councils before beginning extraction allows them to advise whether a resource consent is likely to be required for the planned extraction.
- Notifying Heritage New Zealand before beginning extraction allows them to advise whether an archaeological authority is likely to be required.
- Notifying Te Uru Rākau – New Zealand Forest Service before beginning extraction enables relevant information needed to make milling and export decisions to be gathered.

However, it is ultimately the Operators responsibility to obtain necessary consents, authorities, and/ or to comply with the standards for any permitted activity.

2. Enhancing the scientific value of swamp kauri

Action: Operators should:

- notify swamp kauri researchers of proposed extraction (contact details are on page 19);
- where possible, allow swamp kauri researchers access to extraction sites; and
- make extracted swamp kauri available for scientific sampling.

Guidance: Access to the extraction site would be for the purpose of gathering paleo-environmental data, wood and soil samples, and geospatial measurements only. Swamp kauri researchers are responsible for organising the transport and storage of swamp kauri samples.

Action: Swamp kauri researchers provided access to an extraction site and/or swamp kauri samples should:

- engage local iwi/hapu and the local community in their research;
- notify the local iwi/hapu of samples being moved out of the region; and
- make the results of their work available to the Operators who provided access/ samples, as well as local iwi/hapu and the local community.

3. Assessment of extraction sites

When notified of swamp kauri extraction:

Action: The Regional Council should provide information on the relevant regional plan rules, and undertake a site visit with the Operator.

Guidance: If it is determined a resource consent is not required, the Operator should be reminded of the environmental requirements and how these can be met. Otherwise the Operator should be advised to obtain a resource consent.

Action: District Councils should check the proposed activity against their district plan and rules, and advise the Operator whether or not a resource consent is required. For incidental extraction, District Councils should check whether any accidental discovery rules or protocols have been triggered.

Action: Heritage New Zealand's Regional Archaeologist should determine if an archaeological authority is required, and advise the operator of their assessment.

Action: Te Uru Rākau – New Zealand Forest Service will gather the information required to determine whether the proposed extraction site is indigenous forest land. This includes physically inspecting the site.

Guidance: The purpose of this is to determine whether any timber extracted can be legally milled and/or exported. If it is determined the area is indigenous forest land, the Operator must be able to satisfy Te Uru Rākau – New Zealand Forest Service that the timber can be extracted in a way that the natural values of the area will be maintained. If Te Uru Rākau – New Zealand Forest Service is not satisfied the natural values will be maintained, no milling approval will be given for any timber extracted from indigenous forest land.

4. Managing the extraction site

Action: Operators must comply with:

- the conditions of any resource consents and/or authorities issued and
- the Environmental Standards in the Regional Water and Soil Plan; and
- any steps specified by Te Uru Rākau – New Zealand Forest Service as being necessary to maintain the natural values of areas of indigenous forest land.

Guidance: If Te Uru Rākau – New Zealand Forest Service is not satisfied the natural values of an area of indigenous forest land have been maintained, no milling approval will be given.

Action: In the event of the discovery of archaeological material (including human remains/ Koiwi Tangata) the Operator must cease all work on the site immediately and secure the site and contact the local Heritage New Zealand office. They should also contact a representative of the local iwi/hapu.

Guidance: Contact details and a link to a guide on identifying archaeological material can be found on page 19.

Action: Operators should keep a timber volume record for all timber extracted from a site.

Guidance: Accurate records can be used as evidence of the timber source. A timber volume record is required with every milling statement application for swamp kauri timber.

It is strongly recommended that Operators use the swamp kauri logbooks, which can be obtained by emailing indigenous.forestry@mpi.govt.nz. The following should be recorded:

- A unique identifier (e.g. a number/letter combination) for each log and stump extracted, marked with spray paint. This identifier should be carried forward with any timber milled from the log/stump.
- Measurements of each log and stump extracted (e.g. diameter, length, weight).
- Photographs of all timber extracted.
- Location and landowner details.

Action: Te Uru Rākau – New Zealand Forest Service will inspect notified extraction sites as regularly as possible when they are active.

Guidance: This is so Te Uru Rākau – New Zealand Forest Service can be satisfied the timber is being extracted from within the boundaries of the area inspected by Te Uru Rākau – New Zealand Forest Service. If there is doubt regarding the source of any timber, the operator will be required to supply additional information with any milling or export applications.

5. Site rehabilitation

Action: Operators must ensure the extraction site is rehabilitated in accordance with:

- any resource consents for the extraction operations; and/or
- the relevant district and/or regional plan permitted activity rules pertaining to extraction operations.

6. Storage

Action: Operators should store swamp kauri in a way that reduces its rate of deterioration.

Guidance: Swamp kauri deteriorates when stored in an exposed location for long periods of time.

Milling swamp kauri

The objective of this section is to provide a process for the milling of swamp kauri that is consistent with the law, and which enhances the scientific value of swamp kauri.

1. Registering a sawmill

Action: Swamp kauri may only be milled at a sawmill registered with Te Uru Rākau – New Zealand Forest Service.

Guidance: To register a sawmill, complete the 'Application for Sawmill Registration to Mill Indigenous Timber' form (see link on page 19) and send it to indigenous.forestry@mpi.govt.nz with the prescribed fee.

2. Applying for a milling statement

Action: A milling statement must be obtained from Te Uru Rākau – New Zealand Forest Service for any swamp kauri intended to be milled, before any of the timber is milled.

Guidance: A milling statement is issued if Te Uru Rākau – New Zealand Forest Service is satisfied the timber has been salvaged from land covered mostly in exotic plant species, OR, from land covered mostly in native plant species and the natural values of that land have been maintained. If Te Uru Rākau – New Zealand Forest Service is not satisfied that the timber meets this criteria, a milling statement will not be issued and the timber cannot be milled. Notifying Te Uru Rākau – New Zealand Forest Service of extraction allows the required information to be gathered (in addition to providing the information listed below).

Anyone can apply for a milling statement. To apply for a milling statement, complete the "Swamp Kauri Milling Application Form" (see link on page 19) and send it to indigenous.forestry@mpi.govt.nz. The application must include:

- an authorising letter from the landowner;
- photographs of the timber;
- a timber volume record request (this from the extractor); and
- a map or aerial photograph of the property and the extraction site.

If any extracted timber is not going to be milled, a milling statement is not required.

3. Recording swamp kauri timber received at a sawmill

Action: Every sawmiller must, for each sawmill operated by the sawmiller and registered to mill indigenous timber:

- keep an accurate record of each indigenous timber (including swamp kauri) consignment received at each sawmill for processing; and
- make a 3-monthly return, within 28 days of the end of the 3-month period covered by the return, of the indigenous timber received at each sawmill.

Guidance: For each consignment of swamp kauri received, the sawmiller must record:

- the name and number of the sawmill concerned;
- the location of the sawmill (if the sawmill is portable);
- reference to a milling statement (including the milling statement number);
- the date on which the timber was received; and

- a description of the timber received. In particular, the number of logs received; and the volume of logs in cubic metres.

Falsifying or failing to keep milling records are prosecutable offences (see section 3). If timber is received before a milling statement has been issued, the timber must still be recorded as being received- add the milling statement number when it is obtained.

4. Enhancing the scientific potential of swamp kauri

Action: Sawmillers should make swamp kauri timber available for sampling by swamp kauri researchers.

Guidance: Contact details can be found on page 19. Swamp kauri researchers are responsible for organising the transport and storage of swamp kauri samples.

5. Sawmill inspections

Action: During Te Uru Rākau – New Zealand Forest Service inspections sawmillers are expected to:

- provide Forestry Officers access to the sawmill and any timber stockpiles;
- ensure their sawmill record book is available and up to date; and
- provide copies of any milling approvals issued by Te Uru Rākau – New Zealand Forest Service for timber on site or recently milled.

Guidance: To ensure compliance with the Forests Act and regulations made under it, Te Uru Rākau – New Zealand Forest Service regularly inspects registered sawmills, and premises where it is believed indigenous timber is being milled. Failure to comply with the requirements of a Forestry Officer without lawful excuse, or to provide a Forestry Officer any information knowing it is false or misleading in any material respect, are prosecutable offences (see section 3).

6. Timber offcuts

Action: Sawmillers should, where possible, make timber offcuts available to the local iwi/hapu, and members of the wider community.

Guidance: Swamp kauri is valued by artisans and carvers, who can use small offcuts that might be considered "waste" by sawmillers. Ensuring these are made available enables the value of the extracted resource to be maximised and it is not disposed of where an alternate use is possible.

Exporting swamp kauri

Explanatory note

Under the Forests Act 1949, swamp kauri timber can only be exported if it is:

- salvaged stump or root (whole or sawn) where Te Uru Rākau – New Zealand Forest Service has stated in writing that it is satisfied that the timber has been taken from an area that is not indigenous forest land; or
- as a finished or manufactured indigenous timber product.

1. Exporting salvaged stumps and roots

Action: An exporter who wishes to export salvaged swamp kauri stumps or roots must:

- submit a completed "Notice of Intention to Export Swamp Kauri" (ITE2) form (see link on page 19); and
- Present the timber to a Forestry Officer for inspection and approval prior to export.

Guidance: Send the completed ITE2 to indigenous.forestry@mpi.govt.nz. The definition of a stump can be found on page 20.

- swamp kauri extraction record sheets or a milling statement number could be used to support a statement of source for the swamp kauri timber to be exported.
- if the stumps or roots have been milled, it is recommended that the exporter provide photos of the stumps prior to being milled, to assist Te Uru Rākau – New Zealand Forest Service in determining whether the proposed export is in fact stump timber.
- the ITE should be submitted at least 10 days before the proposed date of export.

Action: Te Uru Rākau – New Zealand Forest Service will arrange for the timber to be inspected by a Forestry Officer. The Forestry Officer will check that the timber being inspected meets the definition of stump. If the Forestry Officer is not satisfied that the stump meets the definition, the Forestry Officer may suggest ways that the stump could be cut so that it can meet the definition.

Action: If the timber is approved for export, the Forestry Officer will sign the ITE2 form, allocate a clearance number and give it to the exporter.

Guidance: The clearance number is required to clear the export through the New Zealand Customs Service system. The exporter should provide the signed ITE2 and clearance number to their customs agent.

2. Exporting finished or manufactured indigenous timber products

Action: Exporters should provide Te Uru Rākau – New Zealand Forest Service notice of their intention to export swamp kauri finished products. Complete the ITE2 form (see link on page 19) and send it to indigenous.forestry@mpi.govt.nz.

Guidance: The definition of a finished or manufactured indigenous timber product can be found on page 20. The exporter should provide information to support their opinion that the proposed export meets the definition.

Action: Te Uru Rākau – New Zealand Forest Service will arrange for the proposed export to be inspected by a Forestry Officer, who will assess whether they believe it meets the definition of a finished or manufactured indigenous timber product. If the Forestry Officer is satisfied that the proposed export meets the definition, Te Uru Rākau – New Zealand Forest Service will note its assessment and provide the signed ITE2 to the exporter.

Guidance: The Forestry Officer may require further information (such as evidence of use of similar products overseas), or recommend additional manufacturing work before they are satisfied that the proposed export is a finished product. This may vary depending on the particular product. The pre-export assessment is not binding; if Te Uru Rākau – New Zealand Forest Service later receives information about the consignment which casts doubt on the original assessment, the original assessment may be revoked.

If you are considering exporting a sculpture made from a log, or products incorporating rough sawn timber (e.g. a bespoke rustic table), the assessment process may take longer to determine if these products meet export requirements. We advise exporters get in contact with the Indigenous Forestry Team directly to discuss their products.

Action: If the inspecting Forestry Officer believes the proposed export does not meet the definition of a finished or manufactured indigenous timber product, the exporter should either undertake additional manufacturing work or not export that product.

3. Te Uru Rākau – New Zealand Forest Service export inspections

Action: During Te Uru Rākau – New Zealand Forest Service inspections, exporters should provide Forestry Officers access to all swamp kauri product intended for export.

Guidance: To ensure compliance with the Forests Act, Te Uru Rākau – New Zealand Forest Service regularly inspects premises where it is known or believed indigenous timber and/ or finished indigenous timber products are prepared for export. Failure to comply with the requirements of a Forestry Officer without lawful excuse, or to provide a Forestry Officer any information knowing it is false or misleading in any material respect, are prosecutable offences (see section 3).

4. Export requirements

Action: Exporters are responsible for meeting all export requirements and obtaining necessary certifications (including phytosanitary certification).

Guidance: Anyone taking or sending forest products out of New Zealand must meet all phytosanitary (plant health) standards of the importing countries. More information (including importing country's phytosanitary requirements) can be found at www.mpi.govt.nz or by calling 0800 00 83 33.

Quick reference guide to Swamp Kauri procedures

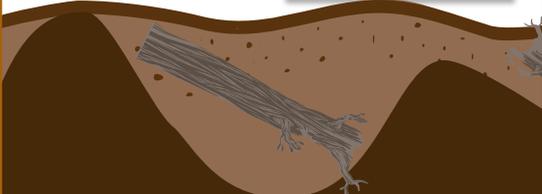
If you are interested in trading in Swamp Kauri, there are a number of things you need to be aware of. Swamp Kauri activities (milling, selling and export) are regulated under the Forests Act 1949, and (depending on where you live) extraction and processing of swamp kauri may also be regulated under the Resource Management Act 1991.

Extraction

Before you dig
Forests Act
 Check that the land is not covered by indigenous flora e.g. manuka scrub, wetland.

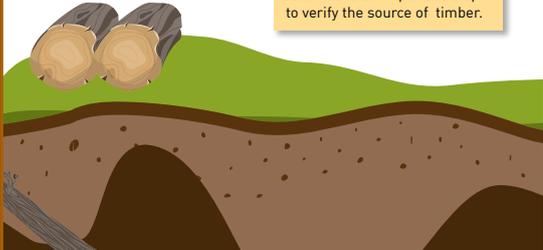
Resource Management Act
 Check the land use (permitted activity) status, and earthworks and natural features rules. You may need a resource consent from your local Council.

Contact MPI on 0800 00 83 33 to arrange a pre-extraction inspection to check that your proposed extraction meets the requirements of the Forests Act.



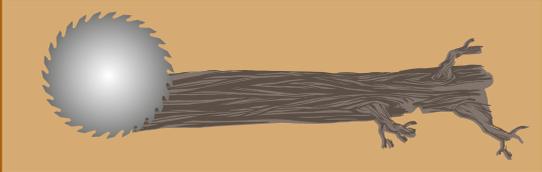
After you dig
Resource Management Act
 Undertake any site remedial work required by the Council.

Contact Te Uru Rākau on 0800 00 83 33 to arrange a post-extraction inspection to check that your extraction met the requirements of the Forests Act. This is an important step to verify the source of timber.



Processing

Before you mill
Forests Act
 Check that the sawmill you intend to use is currently registered to process indigenous timber. Apply for a milling statement before the timber is processed.



Selling

Domestic sales
 You can sell:

- whole stump and root pieces;
- logs;
- flitches, sawn sections and offcuts;
- finished products e.g. tables, bowls;
- kitsets and kitset components.

Note: where you are selling whole logs or pieces that will require milling, you will need to verify the source of the timber.

International sales for export
Forests Act
 There are several restrictions on what form swamp kauri exports can take. You can export:

- whole stumps and roots (or products made from these);
- personal effects; and
- finished or manufactured indigenous timber.

A finished or manufactured indigenous timber product is any indigenous timber product:

- that is a product in its own right;
- that has been finished or manufactured into its final form;
- is ready for immediate use or installation without any further modification;
- is a complete item that is ready to be used; immediately or a component of an item that is a product that is ready to be installed.

You cannot export

- whole logs;
- unfinished products;
- dressed or rough sawn timber, for example, wall panelling or joinery blanks or similar items.

Contact Te Uru Rākau on 0800 00 83 33 to arrange a pre-export inspection to check that your finished or manufactured swamp kauri products meet the standard for export under the Forests Act.

For more guidance on swamp kauri stumps go to www.mpi.govt.nz

Groundline

Contact Te Uru Rākau on 0800 00 83 33 to arrange a stump or root inspection to check that your intended export meets the requirements of the Forests Act.

3 Compliance

This section outlines possible consequences of breaching the statutory and regulatory requirements for extracting, milling, and exporting swamp kauri, and outlines Te Uru Rākau – New Zealand Forest Service’s approach towards suspected offences under the Forests Act 1949.

The Forests Act 1949

Offences under the Forests Act include milling of indigenous timber at an unregistered sawmill, milling indigenous timber without the appropriate approval, and falsifying milling records. Te Uru Rākau – New Zealand Forest Service takes its responsibilities under the Forests Act seriously and will investigate all suspected offences. Persons or companies who breach the requirements of the Forests Act are liable upon conviction to fines of up to \$200,000. Offence and penalty provisions can be found in Section 67T and 67U of the Forests Act, respectively.

Whether a suspected offence constitutes a breach of the law under the Forests Act is determined by the Courts. Decisions regarding prosecutions under the Forests Act will be made in accordance with the principles established in Te Uru Rākau – New Zealand Forest Service’s Prosecutions and Infringements Organisational Policy. This document is available [here](#). An electronic copy of the Forests Act can be found [here](#).

Resource Management Act 1991 (the RMA)

Compliance with the RMA is comprised of three components: compliance with the Act itself, compliance with the requirements of a planning instrument (e.g. the need to get resource consent) and the need to comply with requirements or conditions of permitted activities in the relevant plan. A failure to comply with any of these things may result in follow up action being taken by the relevant council(s) which may include further enforcement action.

Councils are the primary agencies that monitor and enforce the RMA. Remedies under the RMA include the following, and some or all of them may be used in relation to the same case depending on the circumstances:

1. Non-statutory warning letter
2. An abatement notice
3. An infringement fine
4. An enforcement order
5. Prosecution. If successful, this can result in fines of up to \$300,000 or two years in prison (for an individual) and \$600,000 for a company (per charge).

When a council becomes aware that an activity is occurring without the necessary approval or is operating outside of conditions they may act as above as necessary.

Heritage New Zealand Pouhere Taonga Act 2014

Persons or companies who commit offences under the Heritage New Zealand Pouhere Taonga Act 2014 may face prosecution. Full details of offences and penalties can be found in Part 5 of the Act. An electronic copy of the Act can be found [here](#).

Appendices

Contact details

Note: a map of regional and district council boundaries can be found [here](#). Electronic copies of district and regional plans can be found on council websites.

Organisation	Phone	Website	Email
Te Uru Rākau – New Zealand Forest Service	0800 00 83 33	www.teururakau.govt.nz	Indigenous.forestry@mpi.govt.nz
Northland Regional Council	09 408 6600	www.nrc.govt.nz	peterw@nrc.govt.nz (Far North) mailroom@nrc.govt.nz (Whangarei and Kaipara)
Far North District Council	0800 920 029	www.fndc.govt.nz	Ask.us@fndc.govt.nz
Kaipara District Council	0800 727 059	www.kaipara.govt.nz	council@kaipara.govt.nz
Whangarei District Council	09 430 4200	www.wdc.govt.nz	mailroom@wdc.govt.nz
Auckland Council	09 301 0101	www.aucklandcouncil.govt.nz	
Waikato Regional Council	0800 800 402	www.waikatoregion.govt.nz	
Heritage New Zealand (Northland Office)	09 407 0470	www.heritage.org.nz	infonorthland@heritage.org.nz
Heritage New Zealand (Northern Regional Office)	09 307 9920	www.heritage.org.nz	infonorthern@heritage.org.nz
Swamp Kauri Research Consortium	09 375-2055	www.niwa.co.nz/climate/research-projects/climate-present-and-past/palaeoclimate/kauri-research	andrew.lorrey@niwa.co.nz
Iwi settlement bodies (Iwi/hapu contacts can also be obtained from District and Regional Councils)		http://www.tkm.govt.nz/	
Department of Conservation – visit the website to find your local office.		http://www.doc.govt.nz/footer-links/contact-us/office-by-name/	

Forms and resources

Application for Sawmill Registration to Mill Indigenous Timber (Form MPI IF1)	https://www.mpi.govt.nz/document-vault/55
Swamp Kauri Milling Statement and Statement of Source Application Form	https://www.mpi.govt.nz/document-vault/10865
Notice of Intention to Export Swamp Kauri (Form ITE2)	https://www.mpi.govt.nz/document-vault/10862
Guide to sampling swamp kauri logs	www.niwa.co.nz/climate/research-projects/climate-present-and-past/palaeoclimate/kauri-research
Applying for an archaeological authority	http://www.heritage.org.nz/protecting-heritage/archaeology/standard-archaeological-authority-process
Guide to applying for an archaeological authority	http://www.heritage.org.nz/protecting-heritage/archaeology/-/media/8a125b8cb81746da9e6311efda0d0f10.ashx
Te Uru Rākau – New Zealand Forest Service swamp kauri webpage	https://www.teururakau.govt.nz/growing-and-harvesting/forestry/indigenous-forestry/swamp-kauri/
Understanding the scientific value of subfossil bog (swamp) kauri	https://www.mpi.govt.nz/document-vault/16243
Swamp kauri cultural heritage values assessment	https://www.mpi.govt.nz/document-vault/16240
Swamp kauri resources of Northland	https://www.mpi.govt.nz/document-vault/16237

Definitions

Forests Act 1949

Exotic, in relation to a species of flora, means a species that is not an indigenous species.

Finished or manufactured indigenous timber product:

- (a) means any indigenous wood product that has been manufactured into its final shape and form and is ready to be installed or used for its intended purpose without the need for any further machining or other modification; and
- (b) includes a complete item or a component of an item (whether assembled or in kitset form) such as joinery, furniture, toys, tools, and household utensils, household fixtures such as rails and toilet seats, ornaments such as picture frames and carvings, and similar items; but
- (c) does not include dressed or rough sawn timber, mouldings, panelling, furniture blanks, joinery blanks, building blanks, or similar items.

Groundline, in relation to any living or dead tree, means the point at the base of the tree where the tree, when standing, commenced or commences to be naturally in contact with the ground.

Indigenous, in relation to a species of flora or fauna, means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

Indigenous forest land means land wholly or predominantly under the cover of indigenous flora.

Salvaged timber means:

- (a) timber from trees that have fallen naturally;
- (b) timber from trees that were felled to waste before 3 July 1989;
- (c) stumps remaining from any timber felled before that date;
- (d) roots remaining from any timber felled before that date;

and **salvaged stump** and **salvaged root** have corresponding meanings.

Sawmill means any factory or industrial plant (whether permanently fixed or portable) that is directly dependent on supplies of logs and produces sawn timber or wood chips from the timber, whether for sale, use, or further treatment or processing; and includes any chipmill that produces woodchips and any industrial plant (whether permanently fixed or portable) use to process tree ferns; and includes any industrial plant (whether combined with or separate from any plant used to produce sawn timber or woodchips) that is used to produce veneer.

Stump means the basal part of a living or dead tree (whether rooted or uprooted), being the roots and that part of the trunk that extends from the groundline to a point (up the trunk) equal to the maximum diameter of the trunk; and, for the purposes of this definition, any remnant of a tree shall be regarded as part of a complete tree.

Timber:

- (a) means
 - (i) trees (excluding cuttings, suckers, and shoots); and
 - (ii) woody plants able to be milled; and

includes branches, roots, and stumps of trees and other woody plants able to be milled, logs, woodchips, wood products, veneer, tree ferns, and tree fern fibre.

Forestry (Indigenous Timber Milling) Regulations 1993

Sawmiller means any person who owns or manages or operates a sawmill.

Resource Management Act 1991

Wetland any area that includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Heritage New Zealand Pouhere Taonga Act 2014

Archaeological site means, subject to s 42(3):

- (a) any place in New Zealand, including any building or structure (or part of a building or structure), that:
 - (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- (b) includes a site for which a declaration is made under section 43(1)

TE URU RĀKAU – NEW ZEALAND FOREST SERVICE

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