

NES-PF Workshops May 2018 - Scenario 3 - Infrastructure - Questions

Overview

You are the woodlot planner. The block is the same one as in Scenario 2. You have jotted down the questions on the next page as things you need to confirm before meeting with your boss.

The scenario date is 10 June 2018 and the company intends to start construction of the crossing on 1 August. It should take about 2 weeks to complete.

Background

1. The existing road stops before the stream which is about 3m in width, depending on where it is measured. They first need to build a battery crossing to access the block off the existing camp road.
2. There are also two other small single culvert river crossings required on the road, where it crosses the other gullies.
3. Once the river crossing is built, a crew will be brought in for the road line salvage. The road will be constructed in a couple of stages.
4. The block has an archaeological site and the road will pass within 5m of it.
5. You are unsure about the location of a section of the road. You have an alternative route in mind if the initial planned one proves problematic.

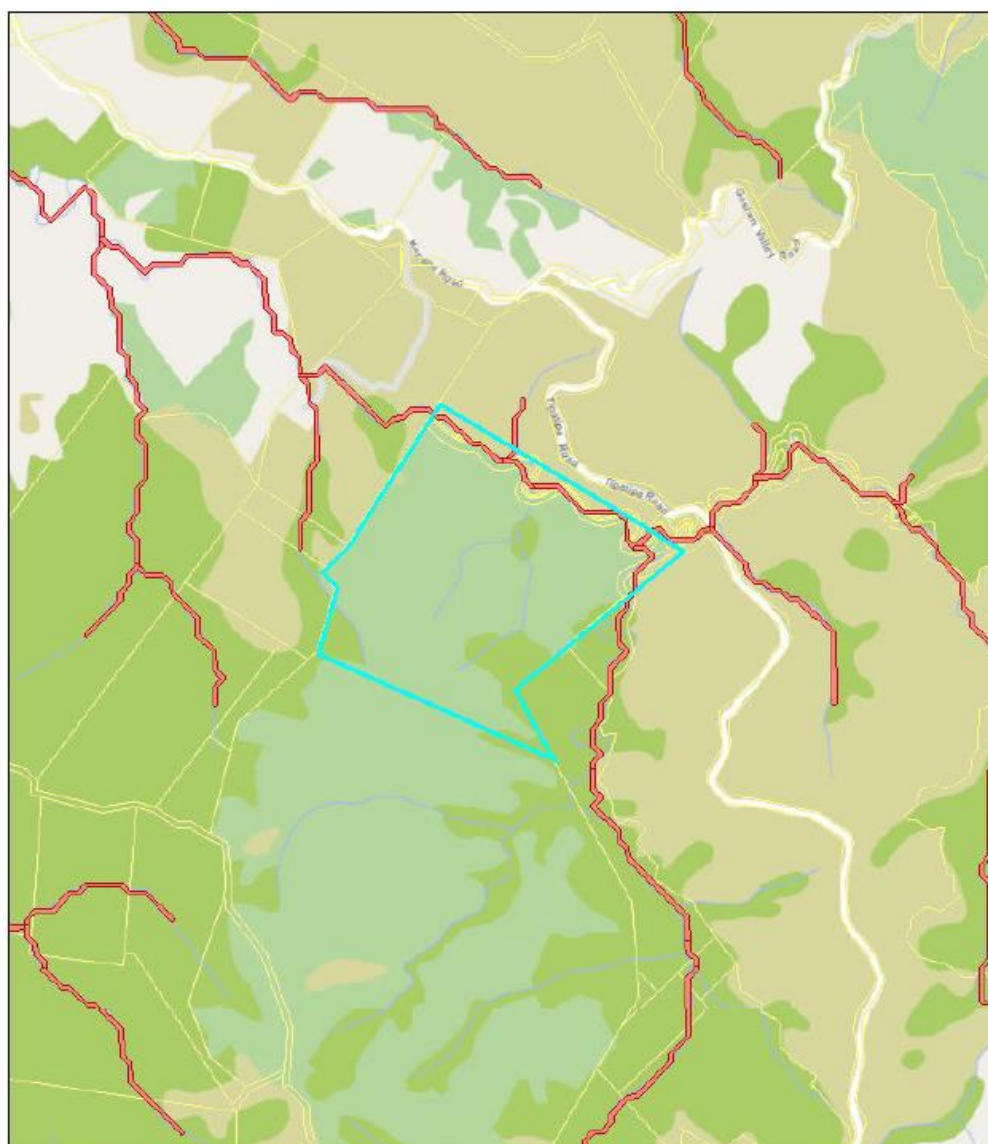
You will find the [Regulations](#), the [User Guide](#), and the [Consenting and Compliance Guide](#) helpful.

Questions

1. Do the river crossings require a consent?
 - a. If so, what type of consent is needed?
 - b. If not, what are the requirements to meet permitted activity status?
 - c. Can you construct the crossing on 1 August as you hoped?
 - d. The crossing will require a concrete pour. Are there regulations that apply?
 - e. Are there restrictions on the size of the culvert pipes and how they are bedded into the river?
2. In the NES-PF are river crossing approaches considered to be part of the road construction or the crossing?
3. Is the road line salvage an earthworks or a harvesting operation in the NES-PF?
4. Does the road and landing construction need a consent? If so, why? If not, why not?
5. What are the NES-PF's requirements for a change in a road location? What sort of change is considered to be a "material amendment" to a management plan?
6. It is essential that the crossing goes in at least a month ahead of the road line salvage.
 - a. Should the company separate out the river crossing consent from the earthworks one? Or should they go for a global consent?
 - b. What are the implications either way to the company? Come up with some pros and cons.
7. Is the existing operational prescription adequate for NES-PF Forestry earthworks management plan (Schedule 3) requirements?
 - a. What aspects are good?
 - b. What things should be added so the contractor has a better understanding of their NES-PF obligations and to ensure the management practices comply with the NES-PF?
8. Would using Forest Practice Guides (FPGs) make it easier to write management plans?
9. What are the requirements within the NES-PF for archaeological sites?

The information in each scenario has been developed solely for the purpose of the NES-PF workshops. To provide realistic scenarios for participants to work with, every effort has been made to ensure this information is accurate. However, Te Uru Rākau does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present in the contents of these scenarios.

NES-PF Fish Spawning Habitats Report



11/04/2018

Legend

Modelled Probability of over 50% - Group A

Land Parcel

0 205 410 820 Metres

11/04/18

NES-PF Fish Spawning Habitats Report: Modelled Probability of over 50% - Group A

Common Name	Species Name	Sensitivity	Database Source	NZREACH	Spawn From Date	Spawn To Date	Notes
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003443	01 Aug	31 Oct	
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003429	01 Aug	31 Oct	
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003373	01 Aug	31 Oct	
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003379	01 Aug	31 Oct	
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003406	01 Aug	31 Oct	
Redfin Bully	Gobiomorphus huttoni	Group A	Modelled	1003450	01 Aug	31 Oct	

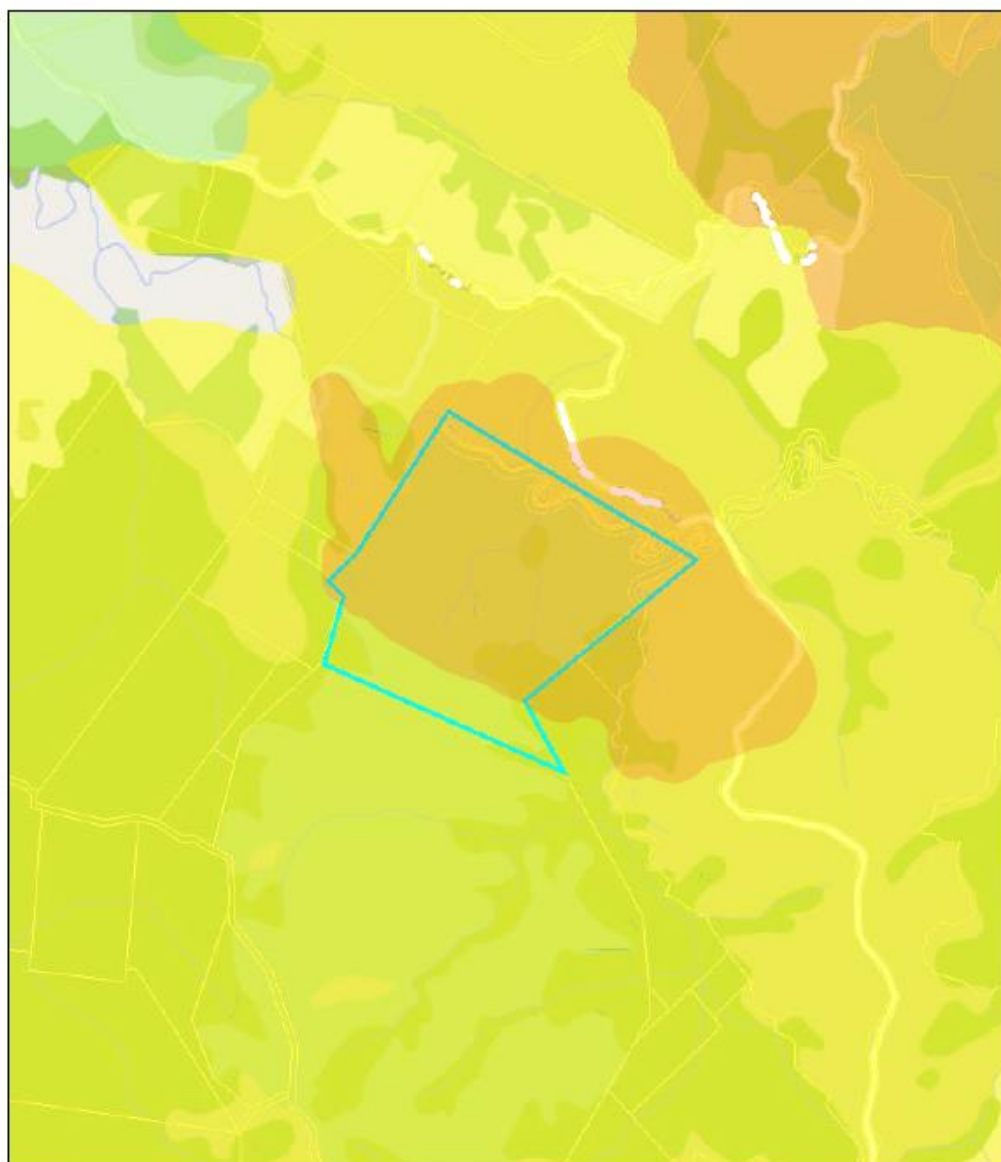


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NES-PF Erosion Susceptibility Classification Report



11/04/2018

Legend

Erosion Susceptibility

- Other (undefined)
- Low
- Moderate
- High

Land Parcel

0 205 410 800 Metres

NES-PF Erosion Susceptibility Classification Report

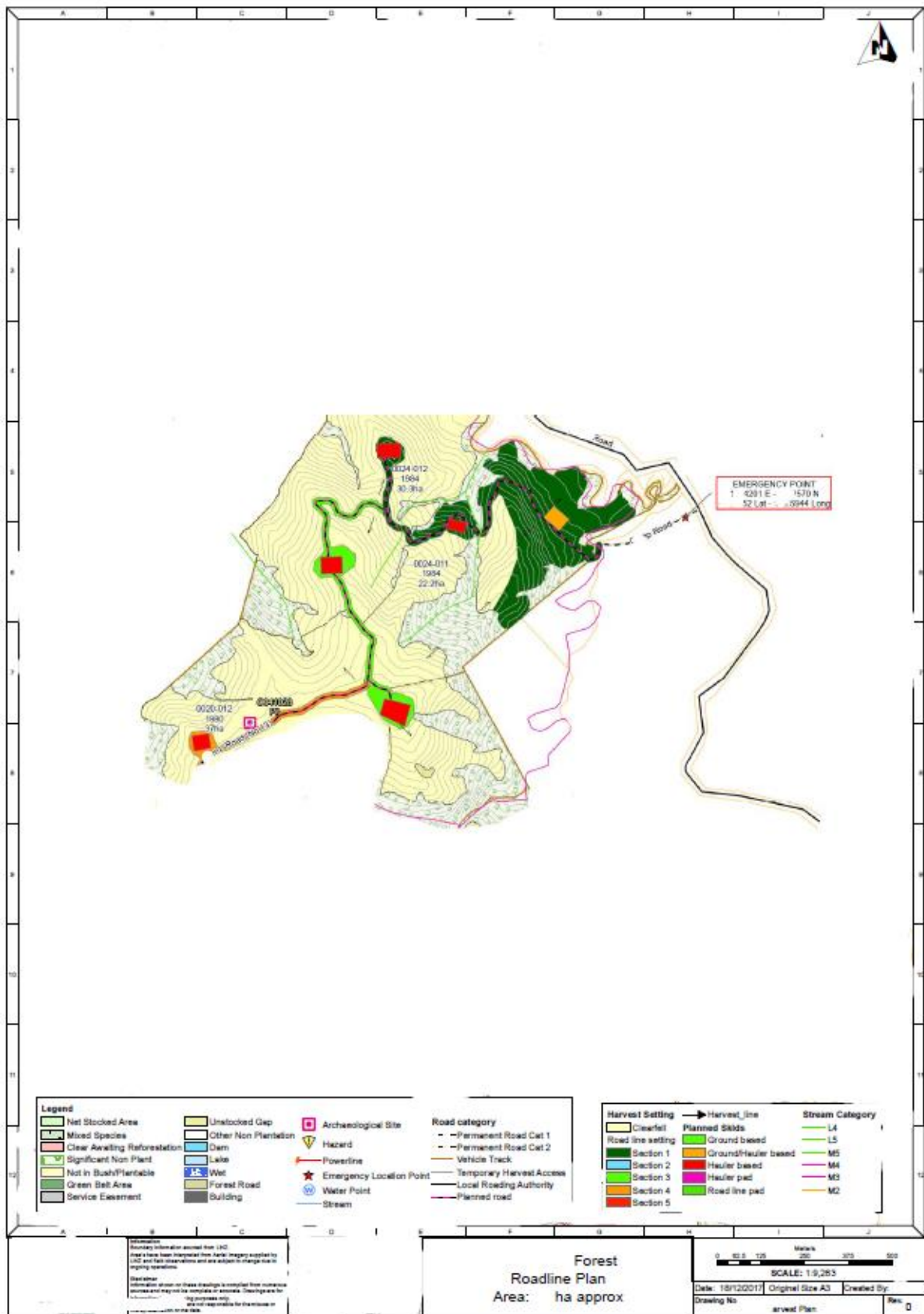
ESC 2017 class	Land Use Capability unit	NZLRI Legend	LUC Class 8e land	Hectares
High	7e 2	01	No	10.02
Moderate	6e 2	01	No	53.13
Moderate	6e 2	01	No	1.88
Moderate	6e 2	01	No	4.85
High	7e 2	01	No	10.18
Moderate	6e 2	01	No	0.12
Moderate	6e 2	01	No	0.03
Moderate	6e 2	01	No	0.01



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HARVEST PLAN OUTLINE

Forest: XX

Estimated Job Time: 3.5 months

Harvest Year: 2018

Environmental Risk: Varies

Contractor: Combined 5

Resource Consent No.: APP.xxx.01.01

Harvest Area Data							
Cpt	Stand	Type	Area (ha)	Stocking	Ton/ha	Total (t)	Piece Size
24	Dark Green	RL	13	320	600	7,800	1.9
21	Blue	RL	3	320	600	1,800	1.9
24/20	Light Green	RL	3	320	600	1,800	1.9
20	Orange	RL	23	320	600	13,800	1.9
20	Red	RL	2	320	600	1,200	1.9
Summary						26,400	

JOB DESCRIPTION	
Access Road	XX road northern end access via XX road and southern end via XX road
Clearfell	Ground based road-line operation to be completed in accordance with the prescription and harvest plan.
Distribution	Cartage provider
Soil Type	XX Clay & XX Clay reacts poorly when wet
Tending History	Pruned to an average of 8 m, thinned to approx. 300 sph Mean Top Height: 40 m
ENVIRONMENTAL CONSIDERATIONS	
Significant Non Plantation	Section 1 and 2 are surrounded in native vegetation. Minimise disturbance as much as possible and fell trees back into the stand if it is safe to do so.
Rare, Threatened and Endangered species	No kiwi sign identified during planning. Kiwi have been found in the area. If located report to XX and follow kiwi awareness training procedures.
Slash Management	Due to the cut to length in bush operation slash will be left in the cutover and used for covering tracks and exposed earthworks.
Runoff/Erosion	All tracking must be covered with a thin layer of slash to reduce sediment run-off. Cut outs must also be installed at intervals of approx. 40m along the track to reduce intensity of water run-off. Minimise tracking as much as possible to reduce soil disturbance and sediment run off. This is a requirement of the resource consent
Waterways	Nil in the harvest area
COMMUNICATION/SIGNAGE	
<p>The road radio channel is XX. This is to be used when traveling within the forest. Cell phone coverage is patchy best on ridgetops. Someone onsite must be on XX digi 3 to allow contact at any time if there is no cell phone coverage.</p> <p>Refer to the map for the emergency location point coordinates and the XX field guide for the emergency procedure.</p> <p>Ensure the correct signage is set up on site refer to the traffic management plan booklet provided by XX. Select the correct traffic management plan based on your type of operation. It is important to have a sign stating what channel and contact person for visitors coming onsite or passing through.</p>	

RISKS IDENTIFIED DURING PLANNING	
Terrain	Site consists of rolling to moderate terrain. Watch footing are all times. Tracked machines cannot operate on slopes that exceed 22° without an appropriate steep slope management plan. Do not operate a machine on slopes beyond the machines capability. Identify areas where the terrain may be hazardous before starting the operation.
Wind throw	Within the harvest area there is wind throw/hung up trees that could put a faller in a dangerous position. Fallers need to ensure they follow best practice and have the appropriate training for undertaking this task. Where possible use a machine to fell these trees
Soft Soil	Potential hazard for machine roll-over. Assess the area before operating the machine if the risk is considered high, then only work in these areas when it is dry.
Undergrowth	Moderate to heavy undergrowth. Watch your footing and have a well-planned escape route when felling. Vegetation may need to be cut to clear a safe escape route.
Felling	A Felling plan is to be completed each morning before felling can commence. Mark daily felling locations on the provided felling map and ensure that there is regular checks-ins with the assigned crew member. All tree drives are called in and make sure that check-ins and drives are recorded correctly. MTH 40 m
NOTE: A pre-start hazard ID must be completed before work commences. It is important that you update your on-site hazard register daily with any new hazards that may arise.	
OTHER CONSIDERATIONS	
Neighbours	N/A. When driving past the marae and the local houses be courteous and reduce your speed.
Historic Sites	There is one site within the harvest area which is a kumara pit. No trees are planted on the site but surround the area. The trees will need to be directionally felled away from the site to minimise the impact on the area and high stumped. The high stumps are left to identify the area so it does not get replanted. If a suspected site is found then the accidental discovery protocol (ADP) must be followed. (See ADP in the prescription and/or field guide).
Visual Impact	Highly visible from XX and SH XX. Ensure best practice is followed. Keep site tidy contain all rubbish and minimise ground disturbance.
Public	The internal forest roads have been heavily used by locals for pig hunting. Both access points have locked gates but there is bound to be people trying to hunt during operational hours. Make sure the correct signage is up around operational areas. There is to be no public access during work hours. If hunters are coming through the work site ask them to leave.
Security	Security could be an issue in this forest. Make sure everything is locked such as machines, smoko hut etc. as well as the security gates. If there are issues contact the Police and report to Summit.
ROADLINE SALVAGE PLAN	
Sequence of harvest: Section 1 -> Section 2 -> Section 3. refer to the legend in the map which shows the section numbers and the colour codes	

PLAN SIGN OFF	NAME	SIGNED	DATE
Harvest Manager	XX		
Forest Manager	XX		
Contractor	XX		

NES-PF Workshops May 2018 - Scenario 3 – Infrastructure - Answers

1. If you want to do the job in August, yes a consent would be required. The General Provisions Regulation 97 is the key as it covers the bed disturbance that happens with culvert construction.
 - a. It would be a discretionary activity consent – regulation 97(8) - for discharge and disturbance of the stream bed, because the timing clashes with fish spawning. If you want to try to meet the 1August date you would have already triggered the need for a controlled activity consent, because you'll not meet the written notice at least 20 working days prior to construction requirement. Section 4.3 of the User Guide covers the information relevant to river crossings in Regulations 38 – 46.
 - b. You don't have enough information to really answer this question, as you don't know the contributing catchment size. Let's say you avoid fish spawning season, then you need to look at reg. 46(2) to determine whether you'll need to get consent. If you were only doing the single pipe crossings and avoid the spawning season no resource consent is required under Regulation 97 for the bed disturbance. You always need to give council notice, and depending on the size of the crossing you may or may not be permitted – see regulation 46. You also need to meet the other permitted activity regulations on crossings – regulations 39-45.
 - c. August is within the fish spawning season, so a discretionary activity consent would be required for not complying with Regulation 97(3) and (4). The council may not approve construction in August either. It would be best to discuss various options with council.
 - d. Regulation 44 covers contaminant discharges. 44(a) says the activity must discharge no contaminants into water and 44(c) says all practicable steps must be taken to avoid wet concrete or concrete ingredients coming into contact with flowing or standing water.
 - e. There are requirements for pipe size and for how they are bedded into the river. Regulation 46(2) sets out the specific permitted activity conditions for battery culverts.
2. The river crossing approaches are part of earthworks (see clause (b) of the earthworks definition in Regulation 3).
3. Road line salvage is considered to be a harvesting operation because trees will need to be logged to create the clearing limits for the road way.
4. As the road line salvage is harvesting, it is probably best to do both the forestry earthworks management plan and the harvest plan, to make sure all the information requirements in Schedule 3 are covered.

The User Guide explains more about the regulations, and has flow charts to help figure out whether consent is required. Section 5.2 covers road and landing construction.

 - For any ESC colour you'll need to give notice (regional council) and complete a forestry earthworks management plan, otherwise the job will require a consent.
 - For ESC Orange over 25 degrees or ESC red, a consent is required under Regulation 35. Make sure the application covers all the matters that council has discretion over, listed in 35(3).

Aspects of the job will need careful planning and construction to meet permitted activity regulations. So for jobs on ESC green, yellow or orange less than 25 degrees, to meet the permitted activity regulations you'd want to consider how you will deal with:

- a. Assessing whether the job can meet the permitted activity requirements for Earthworks especially Regulations 26 sediment, 30 fill and spoil, and 31 sediment and storm water. This will depend on how effective the management practices used on site are.
 - b. Landing 24/3 - it is very close to indigenous vegetation and a stream.
 - c. Finding good locations for construction and maintenance of water controls and sediment traps on the crossing approaches and off landings.
 - d. Making sure you've completed all the elements of Schedule 3, which sets out the management plan preparation requirements for the forestry earthworks management plan (Regulation 27) and the harvest plan (Regulation 66). This includes describing management practices.
5. If you do end up having to change the harvest plan, Regulation 27(5) describes the amount of change to a management plan that would be considered a "material amendment". There is more detail in section 5.3 of the [Consenting and Compliance Guide](#). Basically, a significant change in the road or landing location that would lead to a significant change how the environmental effects need to be managed is the type of change that is considered 'material amendment'. You need to give council notice that you've made a material amendment.
6. Judgement call. There can be advantages in having a global consent, particularly when multiple consents are required. Things you should consider are what the council's expectation is, whether the rest of the infrastructure is permitted or whether you think you need a consent for that. As the reason for consent for earthworks and harvesting relates to ESC, it might be more efficient to prepare one application and hold one consent addressing both, as the considerations will be similar.
7. The existing prescription is likely to be inadequate. It meets the company's current practice requirements and is good on risk and broader contractor responsibilities, but it is incomplete re what is required by schedule 3 of the NES-PF.
The purpose of the question is to identify the changes needed to your current prescription to cover the Schedule 3 requirements of the NES-PF, which are:
 - a. More on person and property details, especially for a woodlot.
 - b. More information for the contractor on the PA status requirements, to avoid unwitting non-compliance with permitted activities.
 - c. More information on the crossing, which will need significant planning and design, and construction
8. Using Forest Practice Guides would make completing this management plan easier, especially if your company does not have detailed practice information. There are also detailed Forestry Practice Guides on battery crossings. You may also want to draw on other existing industry and council guidance to help write management plans.
9. There are no NES-PF requirements for archaeological sites. The law on archaeological sites is covered in the Heritage New Zealand Pouhere Taonga Act 2014. Look up the Heritage NZ website. Local (usually district) plan rules will continue to apply as the NES does not address these effects and the RMA allows plan to address effects of activity not dealt with in the NES PF.