

Meeting Record Wednesday 27 November 2024

Present – Matt Dodd (Chair), Sarah Orton, Todd Cheeseman, Eben Herbert, Reuben Hawtree, Tracey Bowers, Luke Connor, Jackie Egan, Rafael Moradei, Andy Warren, Sally Strang, Cherie Rangiahua, Mike Collins, Harry Carlson & Damita Mita CNI Wood Council

On Teams: Brigid Preston (TUR)

Apologies – Andy Fleming, Bridget Robson, Chris Craig, Colin Maunder, John Horny, Les Russell, Simon Callaghan, Seamus B, Michael Elix & Elise Hayes

**Meeting commenced at 10am**

### **#1 Welcome & Introductions**

Those present introduced themselves.

### **Action Points**

1. BOPRC website update – completed
2. Notification – yet to do
3. Waikato RC meeting date - completed

Minutes of the meeting held 28 August 2024

#### Resolution 1

That the minutes of the meeting held 28 August 2024 be accepted as a true and accurate record of the meeting.

Moved by Todd Cheeseman  
Seconded Luke Connor  
Carried unanimously.

### **#2 Regional Council – BOP Consent Information**

Presented by Luke Connor and Tracey Bowers (a copy is attached) -

The presentation discussed the following key areas; notification decisions, final decisions, slash consenting – information required and general conditions around monitoring.

BOPRC noted they have received legal advice that they should consent the whole activity of harvesting. If an applicant has sought consent not to comply with one of the regulations, BOPRC is including permitted activity regulations as conditions of consent to cover other aspects. . They can be imposed as consent conditions because they are appropriate to manage the effects of the harvesting activity.

There was a general discussion on the level of consistency across the Regional Councils and how is this being achieved. Fraser is part of a national level regional council working group on forestry and to date two meetings have been held. Luke has been working with Gisborne and Wellington Regional Councils and work with Waikato Regional Council is starting next week.

Making a consent application under s88 of RMA. Discussion included -

- If there is insufficient information the Regional Council does have the power to return the application but, in most cases, BOPRC would request further information. Information required is a description of the activity, description of the site and location, assessment against the matters of control or restricted discretion in the regulations.
- It was asked what defines a 'minor' adverse effect on the environment and people as the presentation referred to what the RMA describes. BOPRC wants applicants to focus on those that have a high potential to have an effect and activities that are going to have an effect; what it is and how you propose to mitigate it

Controlled activities are not publicly notified unless there are special circumstance. Restricted discretionary activities may be publicly notified if adverse effects on the environment are more than minor. If there was to be a notification, BOPRC will talk to the applicant first to discuss any actions that could reduce the level of effects. Slash – consenting slash left on the cut over that exceeds 15m<sup>3</sup>/ha. This volume does not include slash that is unsafe to remove, un-salvaged windthrow and spar trees, slash that is less than 2 m and 10cm, slash that is not sound wood. Discussion included -

- Situations where slash cannot practically be removed, or it would require machine access in situations that could potentially create greater adverse effects, particularly in the pumice country where slash is beneficial to control erosion
- BOPRC are using a more risk-based approach, using a risk assessment - what's the risk of leaving slash on the downstream environment, the likelihood of the risk, and the potential consequence
- Information required for this approach – a slash mobilisation risk assessment, proposed draft slash management plan (as this is usually done after harvest) which includes proposed controls/methods to mitigate effects
- Generally, a forest consent will be issued then a harvest plan for each unit is required 20 days prior to harvesting commencing.
- The conditions in the consent will set out anything that requires certification
- For high-risk sites – BOPRC recommend a consent is applied for
- To provide certainty it is better to have a document with the conditions clearly set out in it
- The risk matrix used by BOPRC is the one from the Slash Risk Management document – use this as a guide of how to assess risk to be able to provide an indication of the level of risk and if there is evidence to support this then also provide it. Focus on what's downstream i.e.: infrastructure, property, waterways etc and where the slash is likely to go
- Risky spots – identify high risk places in the harvest area based by considering soil type, slope and waterways
- Monitoring & post-harvest analysis – discussed the 5-day timeline for the post-harvest drone flyover. It was agreed this is a tight timeline as weather and personnel availability can impact the ability to do this in 5 days. The general preference/reasonable timeline of 20 days was suggested which BOPRC have noted.
- Notifying 48 hours following a significant storm event was also discussed. This is dependent on the level of the event, if the notification period can't be met then talk to BOPRC compliance people. BOPRC to change wording to include depending on the severity of the

event. If the event is not known due to it being localised, then notify once known. Report by forest rather than by harvest unit.

- Six-monthly monitoring requirement – if there is a significant event then the flyover for this event can count as that six-monthly monitoring. BOPRC also has flexibility to extend this timeframe out to 12months
- What determines a significant storm/weather event will be specified in the consent, applicants can propose this in the application, and it can be variable by forest, the closest rain gauges can be used to assess this (it does not have to be a Regional Council rain gauge)
- BOPRC will be using a risk-based approach not a fixed volume approach. Interpine can provide baseline information (which can be expensive), Skylab can do analysis from photos provided to them. High density areas in high-risk sites will be identified in the Slash Management Plan. If monitoring shows mobilisation there will need to be a remedial plan including notifying any affected parties ie: neighbours. In some cases, a long-term remedial plan may be required
- H&S Act – the group discussed the need to include the rider in the regs for slash removal ‘if unsafe to do so’. It is BOPRC’s view is that it is a given that the H&S Act overrides NES-CF. It was noted that, this should be included as an ‘advice note’ in the conditions of the consent. BOPRC to discuss in-house and will look at what to do here. If this happens then advise/communicate with BOPRC as unsafe to do so can be open to interpretation
- Duration – BOPRC has obtained a legal opinion that can impose a longer duration on the consent where required to address the window of vulnerability after harvest. The consent could be subsequently surrendered early if evidence is provided that it is not needed, and the BOPRC agrees to it.
- BOPRC also noted that consent timeframes cannot be extended after they have been granted. A new consent will be required. If it is anticipated that a longer period may be needed, BOPRC recommended to request a longer consent timeframe to cover the full harvest period and then if harvest finished earlier the consent can be surrendered.
- The group discussed the requirements for areas harvested before the new NES CF slash regulations came into force. There is a date that the new rules– BOPRC to clarify.
- If you are lodging a consent, then BOPRC are happy to have a pre-consent application discussion. The first 30 minutes is free.

### #3 General Business

NES – CF 15m<sup>3</sup>/ha slash rule and afforestation regulations – TUR advised that this is under review by the Minister of Forestry with an outcome expected early in the new year.

Meeting schedule and appoint next Chair -

Q	Date	Chair/Venue
1	19 February	Colin Maunder @ BOPRC
2	21 May	TBC @ BOPRC
3	20 August	TBC @ BOPRC
4	19 November	TBC @ BOPRC

Meeting concluded at 12pm.

### Action Points

Action	By	Status
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1	Notification of area's not being replanted – provide update from Bridgid Preston TUR	MC	Yet to do
2	For areas harvested under the old NES rules – confirm the dates that the new NES CF slash rules will come into effect.	LC	

**Seven Meeting Goals:** there should be one meeting goal per agenda item which describes the primary outcome:

*Advance the Thinking - workshop*

*Build Capacity – developing skills, training*

*Make Decisions – bringing an issue to a close*

*Share Information – reporting, no discussion*

*Build Community – celebrations, team building*

*Improve Communication – feelings, relationships*

*Obtain Input – feedback, for consideration only*