



Commercial forestry landowner guidance

Introduction

If you have a commercial forest on your land and engage another person or company to carry out activities associated with harvesting the trees, it is important to consider more than just commercial terms. You should also consider environmental outcomes and any potential liabilities you may inherit during the works and after the activities are complete.

Resource management regulations

The Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF) set out permitted activity requirements for a range of forestry activities, including harvesting, earthworks, replanting, afforestation and river crossings.

The NES-CF applies to forests of at least one hectare that are planted for commercial purposes. Forestry activities may be undertaken as permitted activities (without resource consent) if all relevant regulations are met. If regulations cannot be complied with, a resource consent is required. All permitted forestry activities must be notified to Waikato Regional Council.

It is important to understand the obligations under the NES-CF and/or any resource consent conditions, and clearly establish who is responsible for meeting these requirements when engaging a contractor.

Compliance inspections

Waikato Regional Council's Land Use team conducts forestry inspections, typically with prior notice to the harvest manager. Inspections may involve our staff making written notes, photographing or videoing the site, sampling soils or water, and using drones operated by Civil Aviation Authority-qualified staff. Following an inspection, both the harvest manager and the landowner will receive an inspection notice outlining the compliance rating and any required actions.

Inspection notices and their compliance ratings represent a snapshot of the site at the time of inspection. It remains the responsibility of both the landowner and the person or company undertaking the works to ensure compliance with the relevant NES-CF regulations and/or consent conditions.

Liability under the Resource Management Act

As a landowner, you may be held liable for actions undertaken by contractors or others working on your behalf. Under the Resource Management Act, liability may arise if you permit an offence to occur, including by failing to take reasonable steps to prevent it. You are also potentially liable for the actions of contractors or employees. Landowners are expected to take all reasonably practicable steps to ensure forestry activities comply with regulatory requirements, including the NES-CF and any resource consent conditions.

Before work begins

Before any work starts, you should clearly understand the scope, requirements, and responsibilities. Consider asking yourself the following.

- What works will be undertaken, where, and when? (Request harvest and earthworks plans to know more.)
- Will the works be carried out under permitted NES-CF regulations or do they require a resource consent?
- Have all necessary consents been obtained (if required)?
- What regulatory requirements must be met?
- What environmental or engineering standards does the contractor follow, and how are these monitored?
- How will the site be left after harvesting (for example, landings, roads, tracks, slash management)?
- What ongoing maintenance is required after the completion of the harvest, and who is responsible?

Where possible, ensure these matters are documented in writing and clearly reflected in your contract.

Taking a proactive approach before work begins reduces the risk of environmental issues and shared legal responsibility. A contract that seems affordable may not always include adequate environmental safeguards, potentially leading to higher long-term costs. It always pays to check before a contract is signed and work begins.

Post-harvest

Following completion of works, Waikato Regional Council recommends carrying out a detailed post-harvest inspection with the contractor or forest manager to confirm the site has been left in an acceptable condition. A post-harvest checklist should be completed and signed by both parties. Addressing issues is easiest while contractors and machinery are still on site.

If concerns arise:

- do not sign off on the works until issues are resolved
- agree on required remedial actions with the contractor
- seek legal advice if necessary
- contact Waikato Regional Council if you suspect non-compliance or environmental issues.

For any questions or concerns, please contact the regional council and ask to speak with one of the forestry officers:

Hamilton: (07) 859 0999

Freephone: 0800 800 401

Relevant legislation

Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

legislation.govt.nz/secondary-legislation/pco-drafted/2017/174/en/latest/#DLM7373517

Resource Management Act 1991

legislation.govt.nz/act/public/1991/69/en/latest/#DLM230265

Additional useful resources

Notification of forestry activities to Waikato Regional Council
waikatoregion.govt.nz/nescf-notification/

Forest Owners Association – Forest Practice Guides
docs.nzfoa.org.nz/forest-practice-guides/

Te Uru Rākau New Zealand Forest Service
mpi.govt.nz/forestry