

Notes to specification for the compliance requirements for native timber under the Forest Act 1949

May 2025 Version 1.0

1. Scope

- 1.1. These notes provide supporting information to the specification for the compliance requirements for native timber under the Forests Act 1949 (Forests Act).
- 1.2. The requirements of Part 3A and the specification apply to NZTA staff and Contractors undertaking the following activities:
 - planned construction, operation, maintenance and improvement activities related to the land transport system, including multimodal infrastructure
 - felling and/or milling of naturally dead or windthrown and fallen trees owned and managed by the Principal
 - felling and/or milling of any native trees during or following emergency and/or recovery works
 - milling of any salvaged swamp kauri during excavations
 - any arrangements (commercial or non-commercial) that result in NZTA giving native trees to a third party for milling.
- 1.3. It is recommended to read the specification in conjunction with the Forests Act and regulations.

2. Definitions

- 2.1. In addition to the definitions set out in the Forests Act and the specification, the definitions listed below apply.

Dead	Trees (standing or otherwise) that have died as a result of natural causes.
Salvaged timber	Timber from trees that have fallen naturally.
Swamp kauri	Salvaged kauri trees that have been buried and preserved in peat swamps.
Windthrown	Trees that have become damaged as a result of storms and high wind.

3. Statutory compliance

- 3.1. The process outlined in the specification is to ensure compliance with legislation. While parts of the Forests Act requirements are triggered by the use of a sawmill, the specification also reduces the risk of non-compliance for third parties, where timber is passed to a third party who will then be required to have a milling statement.
- 3.2. Other statutory considerations and consenting requirements may be relevant to the removal of trees including, but not limited to:
 - Resource Management Act 1991, including the National Environmental Standard for Commercial Forestry, resource consents, designations, protected trees
 - Climate Change Response Act 2002 – Emissions Trading Scheme requirements.

4. Penalties for breaching the Forests Act

- 4.1. Fines of up to \$200,000 apply on conviction where any native tree/s are milled, including accidental milling, without the appropriate authorisation from Te Uru Rākau New Zealand Forestry Service.
- 4.2. Penalties also apply where any native tree/s are milled using an unregistered sawmill.

5. Indigenous timber milling statement

- 5.1. An [indigenous forestry milling statement](#) (milling statement) is required from Te Uru Rākau where there is any likelihood that NZTA, its consultants, contractors, partners or any third parties such as iwi or hapū, landowners and arborists could mill any native tree/s, at the time of removal or later.
- 5.2. A milling statement must be obtained prior to any native tree/s being milled. It is easier to compile the information requirements to support a milling statement application at the time the tree/s are felled rather than several months or years later. This includes where native trees are removed during emergency works. Gathering the information requirements outlined in the application as soon as practicable after felling (including during emergency works) can support a milling statement application later. Seeking retrospective approval to mill native timber breaches the Forests Act.
- 5.3. Examples of when a milling statement is required include:
 - passing or selling native logs to a landowner or an arborist for processing into sawn timber
 - milling native trees that have naturally fallen and/or have been removed during emergency and/or recovery works
 - passing native logs to iwi or hapū for cultural purposes, including carving (logs typically require milling before they can be carved)
 - transporting native logs to a site that contains a sawmill. Note the accidental milling of native trees is still a breach of the Forests Act
 - engaging a forestry company to commercially harvest native trees on NZTA property where the trees are likely to be milled
 - milling of any salvaged swamp kauri. Note the extraction of swamp kauri is managed under the Resource Management Act 1991
 - any other activities involving native tree/s that are likely to be milled that would come under the Forests Act.

- 5.4. A milling statement is **not** required for:
 - the felling, cutting into logs and firewood, storage and disposal of any native tree/s
 - disposing of felled native tree/s that are not milled
 - storage of felled native tree/s.

6. Te Matangi – Māori Partnerships

- 6.1. The Principal will provide advice on cultural protocols and protocols for passing native tree/s to iwi or hapū.

7. Sawmills

- 7.1. The sawmill/s to be used must be able to provide evidence of their annual registration with Te Uru Rākau. Te Uru Rākau can otherwise provide a list of the currently registered sawmills by emailing indigenous.forestry@mpi.govt.nz.

8. Milling Statement Process

- 8.1. Te Uru Rākau aim to process milling statements within 10 working days. Although they have no statutory time limit, milling statements are typically valid for six months but on application can be extended for up to 12 months.
- 8.2. There is no cost charged by Te Uru Rākau to obtain a milling statement.

9. Forests Act compliance flow chart

- 9.1. The diagram helps to determine if approval from Te Uru Rākau New Zealand Forest Service is required when removing native trees. Applications for a milling statement or approval to fell native trees subject to a sustainable forest management plan or permit must be submitted to the Principal and be signed by a NZTA Principal Environmental Planner.
- 9.2. Other considerations that form part of this process will also assist, including:
 - Z/19 Taumata Taiao – Environmental and Sustainability Standard environmental screen
 - Te Mātangi Pōu Ārahi Regional Advisors.

