

REPORT

TO	Pere Hawes
FROM	Liz White
DATE	1 March 2024
SUBJECT	Changes to the National Environmental Standards for Plantation Forestry – Implications for Marlborough Environment Plan – Stage 2

Introduction

The National Environmental Standards for Plantation Forestry (**NES-PF**) were amended on the 2nd of October 2023,¹ including changing their name to the National Environmental Standards for Commercial Forestry (**NES-CF**). The changes are relevant to how forestry is managed in the proposed Marlborough Environment Plan (**PMEP**).

This report provides detailed recommendations on changes which are required to the current PMEP provisions (or advice notes) to align with the changes to the NES-CF. These are set out in the following table.

This report is the second stage of the alignment exercise, with a memo previously prepared², which summarised the key changes and identified where these may affect the PMEP provisions. This Stage 2 Report should be read in conjunction with the Stage 1 Memo, but the recommendations in this report supersede those in the Stage 1 Memo, where there is a difference.

The changes, in summary, include:

- Including the new definition for *exotic continuous-cover forest or forestry* from the NES-CF, and excluding this from the current MEP definition of *carbon sequestration forestry planting*.
- Adding references to *exotic continuous-cover forest or forestry* to the rules which currently apply to *carbon sequestration forestry planting*.
- Amending Rule 3.7.1 which relates to harvesting of carbon sequestration forestry on steep erosion prone land, so that it only applies to exotic continuous-cover forestry harvesting where it is also within the coastal environment, as this limits it to a matter over which the MEP may be more stringent.
- Updating references to the NES-PF to refer instead to the NES-CF.

The Stage 1 Memo also identified minor changes made to the NES-CF, which were not expected to have any effect on the PMEP framework. These matters have been further considered, but no changes have been identified as being required to avoid conflict or duplication between the MEP and the NES-CF.

¹ By the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.

² *Changes to the National Environmental Standards for Plantation Forestry – Implications for Marlborough Environment Plan – Stage 1 Summary*, from Liz White to Pere Hawes, 9 November 2023.

If you have any queries relating to this, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Liz White', with a stylized, cursive script.

Liz White

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Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
Volume 2			
Chapter 25 – Definitions			
Carbon sequestration forestry planting	<i>means the planting and management of areas of shrubs and vegetation the purpose of which is only for carbon sequestration.</i>	The NES-CF now includes a definition (and applies to) “<i>exotic continuous-cover forestry</i>”. (a) <i>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</i> (i) <i>will not be harvested or replanted; or</i> (ii) <i>is intended to be used for low-intensity harvesting or replanted; and</i> (b) <i>includes all associated forestry infrastructure; but</i> (c) <i>does not include—</i> (i) <i>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i> (ii) <i>forest species in urban areas; or</i> (iii) <i>nurseries and seed orchards; or</i> (iv) <i>trees grown for fruit or nuts; or</i> (v) <i>long-term ecological restoration planting of indigenous forest species; or</i> (vi) <i>willows and poplars space planted for soil conservation purposes.</i>	The definitions of these activities are similar, in that they relate to plantings which are intended to generally not be harvested. The PMEP definition is focused on carbon sequestration, whereas the NES-CF refers to a broader commercial purpose, but because of the exclusions in the latter definition, there is unlikely to be much in the way of a practical difference between them in this regard. The key difference is that the PMEP definition is not limited to exotic plantings and would therefore capture native plantings undertaken for the purpose of carbon sequestration. The effect of the two definitions is that <i>exotic continuous-cover forestry</i> is considered to in effect, be captured in the definition of <i>carbon sequestration forestry planting</i>. However, the latter definition cannot simply be replaced in the PMEP with the former, because it would change the effect (i.e. it would no longer apply to indigenous carbon sequestration forestry). To align with the NES-CF, it is recommended that: - the definition from the NES-CF is added to the PMEP; - the definition of <i>carbon sequestration forestry planting</i> is amended to exclude anything which falls within the <i>exotic continuous-cover forestry</i> definition; and - the rules which currently apply to <i>carbon sequestration forestry</i> are amended as set out further below in this table. Add new definition as follows: <u><i>exotic continuous-cover forest or forestry</i></u> (a) <u><i>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</i></u> (i) <u><i>will not be harvested or replanted; or</i></u> (ii) <u><i>is intended to be used for low-intensity harvesting or replanted; and</i></u> (b) <u><i>includes all associated forestry infrastructure; but</i></u> (c) <u><i>does not include—</i></u> (i) <u><i>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i></u> (ii) <u><i>forest species in urban areas; or</i></u> (iv) <u><i>nurseries and seed orchards; or</i></u> (iv) <u><i>trees grown for fruit or nuts; or</i></u> (v) <u><i>long-term ecological restoration planting of indigenous forest species; or</i></u> <u><i>or</i></u> (vi) <u><i>willows and poplars space planted for soil conservation purposes.</i></u> Amend the definition of Carbon sequestration forestry planting as follows:

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			<i>means the planting and management of areas of shrubs and vegetation the purpose of which is only for carbon sequestration, <u>but excludes exotic continuous-cover forest or forestry.</u></i>
Vegetation clearance	means the destruction or the removal of indigenous and exotic plant vegetation, including by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include: (a) Plantation forestry harvesting that is managed under the NESPF, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting;	As the NES-CF now covers exotic continuous-cover forestry, the exemption in the vegetation clearance definition for harvesting managed under the NESPF should be broadened. A minor change is recommended to the reference to carbon sequestration, to remove “(non-permanent)”, as this aligns with all other reference to carbon sequestration forestry (including the definition), none of which include this.	Amend the definition of Vegetation clearance as follows: <i>means the destruction or the removal of indigenous and exotic plant vegetation, including by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include:</i> (a) Plantation Commercial forestry harvesting that is managed under the NES PF , carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting;
Chapter 2 – General Rules			
Rule 2.7.1.	2.7.1. Alteration, repair or maintenance of an existing structure, including any associated release of detritus, in, on or over the bed of a lake or river <i>Note:</i> <i>Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.</i>	The definition of river crossing has been updated to explicitly include fords. This does not affect the rule / note, just clarifies that the NES equally applies to fords. There is a need to update the note to refer to the amended NES.	2.7.1 - Alteration, repair or maintenance of an existing structure, including any associated release of detritus, in, on or over the bed of a lake or river. <i>Note:</i> <i>Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Commercial Forestry 2017.</i>
Rule 2.9.1.	2.9.1. Alteration, repair or maintenance of an existing structure, including any associated temporary damming of water or release of detritus, in, on or over the bed of a lake or river	N/A – the rule sets out the conditions for 2.7.1, but the note in 2.7.1 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.	
Rule 2.7.5.	2.7.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river. <i>Note:</i> <i>Rule 2.7.5 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.</i>	There is a need to update the note to refer to the amended NES.	2.7.5 - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river. <i>Note:</i> <i>Rule 2.7.5 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Commercial Forestry 2017.</i>
Rule 2.9.5.	2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river. <i>Note:</i> <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</i> <i>2.9.5.1. With the exception of post and wire fences and any attached pipeline, the structure must not be within 8m of a perennially flowing or intermittently flowing river.</i> <i>2.9.5.2. The structure must not divert any groundwater.</i> <i>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</i>	There is a need to update the note to refer to the amended NES. However, there is currently a discrepancy between the note in 2.7.5 and that in 2.9.5, whereby the note in 2.7.5 says that the rule does not apply at all to river crossings managed under the NES, which would mean that none of the conditions in 2.9.5 would apply. The note in 2.9.5 however implies that some of the standards are intended to still apply. It is recommended that a Clause 16 amendment is made to remove the note from 2.9.5, given the note in 2.7.5 was added through a consent order and effectively renders the note in 2.9.5 void.	2.9.5. - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river. <i>Note:</i> <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</i> <i>2.9.5.1. With the exception of post and wire fences and any attached pipeline, the structure must not be within 8m of a perennially flowing or intermittently flowing river.</i> <i>2.9.5.2. The structure must not divert any groundwater.</i> <i>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</i>

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	2.9.5.4. <i>The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.</i>		2.9.5.4. <i>The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.</i>
Rule 2.7.7.	2.7.7. Culvert installation and replacement in, on, under, or over the bed of a river. <i>Note:</i> <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.7.7 does not apply.</i>	There is a need to update the note to refer to the amended NES.	2.7.7 - Culvert installation and replacement in, on, under, or over the bed of a river. <i>Note:</i> <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Commercial Forestry 2017, Rule 2.7.7 does not apply.</i>
Rule 2.9.7.	2.9.7. Culvert installation and replacement in, on, under, or over the bed of a river.	N/A – the rule sets out the conditions for 2.7.7, but the note in 2.7.7 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.	
Rule 2.16.3.	2.16.3 - Discharge of stormwater to water. <i>Note 1:</i> <i>Where the discharge of stormwater to water is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.16.3 does not apply.</i>	There is a need to update the note to refer to the amended NES.	2.16.3 - Discharge of stormwater to water. <i>Note 1:</i> <i>Where the discharge of stormwater to water is managed by the National Environmental Standards for Plantation Commercial Forestry 2017, Rule 2.16.3 does not apply.</i>
Rule 2.17.3.	2.17.3. - Discharge of stormwater to water.	N/A – the rule sets out the conditions for 2.16.3, but the note in 2.16.3 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.	
Chapter 3 – Rural Environment Zone			
3.1.1 Permitted Activities	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3, except that for plantation forestry activity regulated by Parts 1 to 9 of the NES for Plantation Forestry, the standards in 3.2 do not apply.</i>	The note is still relevant, but there is a need to update it to refer to all commercial forestry activities, not just plantation forestry, and to refer to the amended NES.	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3, except that for plantation commercial forestry activity regulated by Parts 1 to 9 of the NES for Plantation Commercial Forestry, the standards in 3.2 do not apply.</i>
Rule 3.1.6.	3.1.6. Plantation forestry afforestation	These rules apply to plantation forestry managed under the NES-PF, with the conditions amended through the previous alignment exercise to ensure they are only more stringent than the NES in areas where that was, previously, restricted; or to manage matters beyond the scope of the NES. The changes to the NES-CF allow for the Council to consider any area in which the PMEP should be more stringent (or lenient) than the NES-CF regulations in regard to afforestation. However, this is a matter that must be considered through a plan change process, rather than being a matter of alignment resulting from the NES-CF. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes	
Rule 3.3.6.	3.3.6. Plantation forestry afforestation. 3.3.6.1. Planting must not be in, or within: <i>(a) [Deleted]</i> <i>(b) [Deleted]</i> <i>(c) [Deleted]</i> <i>(d) [Deleted]</i> <i>(e) 10m of a Significant Wetland;</i> <i>(f) [Deleted]</i> <i>(g) an Afforestation Flow Sensitive Site;</i> <i>(h) [Deleted]</i>		

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	(i) the Limestone Coastline Outstanding Natural Feature and Landscape; (j) the Wairau Dry Hills High Amenity Landscape. 3.3.6.2. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.	both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.1.6 or 3.3.6 are amended. <i>See also the assessment of Rule 3.1.11 in relation to the status of exotic continuous-cover forestry in the Rural Zone.</i>	
Rule 3.1.7.	3.1.7. Plantation forestry replanting.	These rules apply to plantation forestry managed under the NES-PF, with the conditions being those that were allowed, under the original NES, to be more stringent. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.1.7 or 3.3.7 are amended.	
Rule 3.3.7.	3.3.7. Plantation forestry replanting. 3.3.7.1. Replanting must not be in, or within: (a) 8m of a Significant Wetland; (b) [deleted]. 3.3.7.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.		
Rule 3.1.8.	3.1.8. Plantation forestry harvesting.	These rules apply to plantation forestry managed under the NES-PF, with the conditions being those that were allowed, under the original NES, to be more stringent. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.1.8 or 3.3.8 are amended.	
Rule 3.3.8.	3.3.8. Plantation forestry harvesting. 3.3.8.1. Harvesting must not be in, or within (a) [Deleted] (b) 8m of a Significant Wetland. (c) [Deleted]. 3.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply. 3.3.8.3. Except within an existing forestry track or forestry road, wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland. 3.3.8.4. Harvesting must not cause any conspicuous change in the colour or natural clarity of the water in a Significant Wetland, or the coastal marine area.		
Rule 3.1.11.	3.1.11. Conservation planting and carbon sequestration forestry planting.	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As	3.1.11. Conservation planting, <u>exotic continuous-cover forestry planting</u> and carbon sequestration forestry planting.

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Rule 3.3.11	3.3.11. Conservation planting and carbon sequestration forestry planting. 3.3.11.1. The following species must not be planted: (a) Douglas fir (<i>Pseudotsuga Menziesii</i>); (b) Lodgepole pine (<i>Pinus contorta</i>); (c) Muricata pine (<i>Pinus muricata</i>); (d) European larch (<i>Larix decidua</i>); (e) Scots pine (<i>Pinus sylvestris</i>); (f) Mountain or dwarf pine (<i>Pinus mugo</i>); (g) Corsican pine (<i>Pinus nigra</i>). 3.3.11.2. That the planting of vegetation must not occur where that vegetation when fully grown, could shade a formed and sealed road between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading. 3.3.11.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building other than a pump shed located on any adjacent land under different ownership. 3.3.11.4. Only indigenous species may be planted within the Wairau Dry Hills High Amenity Landscape except for plantings within the curtilage around a dwelling. 3.3.11.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland. 3.3.11.6 <u>In the case of carbon sequestration forestry planting must not be within an Afforestation Flow Sensitive Site.</u>	discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i>. However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i>. Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry</i> planting under these rules may therefore continue to be more stringent than the NES-CF. It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF. As a result of the Clause 16 amendment being made to 3.3.11.6 (shown using black underline), there is also a need to similarly amend that standard so that it will also continue to apply to <i>exotic continuous-cover forestry afforestation</i>.	3.3.11. Conservation planting, <u>exotic continuous-cover forestry planting</u> and carbon sequestration forestry planting. ... 3.3.11.6 <u>In the case of <u>exotic continuous-cover forestry planting</u> or carbon sequestration forestry planting must not be within an Afforestation Flow Sensitive Site.</u>
Rule 3.1.12.	3.1.12. Indigenous vegetation clearance.		
Rule 3.3.12	3.3.12. Indigenous vegetation clearance. Note: Permitted Activity standards 3.3.12.1 and 3.3.12.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the note to refer to the amended NES.	3.3.12. Indigenous vegetation clearance. Note: Permitted Activity standards 3.3.12.1 and 3.3.12.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for <u>Plantation Commercial</u> Forestry 2017.
Rule 3.1.13.	3.1.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	3.1.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <u>Plantation Commercial</u> Forestry 2017.
Rule 3.3.13.	3.3.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	3.3.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <u>Plantation Commercial</u> Forestry 2017.
Rule 3.1.14.	3.1.14. Cultivation	There is a need to update the reference to the amended NES.	3.1.14. Cultivation. <u>Note:</u>

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		However, it is understood that an error has been made in the re-numbering of the rule, whereby the note should have been updated to refer to 3.3.14.1, 3.3.14.2, 3.3.14.3, 3.3.14.5 and 3.3.14.6. If this error is corrected under Clause 16, then the only standard applying to cultivation managed under the NES (3.3.14.4) has been deleted, the rule in totality effectively does not apply. For simplicity, and consistency with other rules, it would be simpler to note in 3.1.14 that the rule does not apply. Note this recommended change does not arise from the changes to the NES.	<u>Where cultivation is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 3.1.14 does not apply.</u>
Rule 3.3.14.	3.3.14. Cultivation <i>Note:</i> <i>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.14.1, 3.3.14.2, 3.3.14.3, 3.3.14.4 and 3.3.14.5 do not apply.</i>		3.3.14. Cultivation <i>Note:</i> <i>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.14.1, 3.3.14.2, 3.3.14.3, 3.3.14.4 and 3.3.14.5 do not apply.</i>
Rule 3.1.15	3.1.15. Excavation		
Rule 3.3.15	3.3.15. Excavation <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.15.1, 3.3.15.2, 3.3.15.3(a), 3.3.15.4, 3.3.15.5, 3.3.15.10, 3.3.15.11 and 3.3.15.12 do not apply, and Standard 3.3.15.9 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.</i>	There is a need to update the reference to the amended NES.	3.3.15. Excavation <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Commercial Forestry 2017, Standards 3.3.15.1, 3.3.15.2, 3.3.15.3(a), 3.3.15.4, 3.3.15.5, 3.3.15.10, 3.3.15.11 and 3.3.15.12 do not apply, and Standard 3.3.15.9 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.</i>
Rule 3.2.1.7.	3.2.1. Construction and siting of a building or structure except a temporary building or structure, an unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities). <i>... 3.2.1.7. The following fire safety setbacks shall apply:</i> <i>(a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership, or</i> <i>(b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation forestry on any adjacent land under different ownership.</i>	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this standard would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry. As clause (b) does not apply to carbon sequestration forestry, no change is required to this clause.	3.2.1.7. The following fire safety setbacks shall apply: (a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing plantation commercial forestry or carbon sequestration forestry on any adjacent land under different ownership, or (b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation forestry on any adjacent land under different ownership.
Rule 3.4.3.	3.4.3. Harvesting of plantation forestry that was established prior to 9 June 2016, in, or within 8m of a Significant Wetland.	This rule applies to plantation forestry, applying an activity status that is more stringent than under the NES. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry harvesting would expand the activity to which it applies. This is considered to extend beyond simply aligning the	

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		PMEP with the NES-CF. As such, it is not recommended that 3.4.3. is amended.	
Rule 3.5.1	3.5.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting activities but excluding excavation as part of Plantation Forestry Harvesting.	N/A – this rule does not apply to Plantation Forestry Harvesting.	
Rule 3.6.6.	3.6.6. Quarrying and mining. <i>Note:</i> <i>Where forestry quarrying is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.6.6 does not apply.</i>	There is a need to update the reference to the amended NES.	3.6.6. Quarrying and mining. <i>Note:</i> <i>Where forestry quarrying is managed under the National Environmental Standards for Plantation Commercial Forestry 2017, Rule 3.6.6 does not apply.</i>
Rule 3.7.1	3.7.1. Plantation forestry afforestation or woodlot forestry planting within the coastal environment on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established plantation or woodlot forestry.	This rule applies to plantation forestry, applying an activity status that is more stringent than under the NES. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry afforestation would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.7.1 is amended.	
Rule 3.7.2.	3.7.2 Carbon sequestration forestry harvesting on steep erosion prone land.	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i> . However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i> . Regulation 6 of the NES-CF sets out when additional stringency may be applied by a Council beyond the NES-CF controls. While this allows for greater stringency or leniency with regard to afforestation, the same does not apply to harvesting. The other matter on which stringency can be exercised which is relevant to the matter addressed in the rules is Regulation 6(1)(b), which allows the PMEP to be more stringent than the NES-PF when provisions give effect to Policy 22 of the NZCPS. Where within the coastal environment (as identified on the planning maps), the rule is therefore able to be more stringent because it is giving effect to the direction to: require	3.7.2 Carbon sequestration forestry harvesting on steep erosion prone land <u>or exotic continuous-cover forestry harvesting within the coastal environment on land identified as Steep Erosion-Prone Land.</u>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		that use and development not result in a significant increase in sedimentation in the CMA; to control impacts of vegetation removal or sedimentation; and to reduce sediment loadings in run-off through controls on land use activities. As such, it is recommended that Rule 3.7.2 be amended so that it continues to apply to <i>exotic continuous-cover forestry</i> harvesting, but only where the planting is on land identified as Steep Erosion-Prone and where within the coastal environment. The rule would continue to apply in all cases to <i>carbon sequestration forestry harvesting</i> noting that by definition (as recommended above,) this would exclude “<i>exotic continuous-cover forestry afforestation</i>”. Harvesting of <i>exotic continuous-cover forestry</i> which are not identified as Steep Erosion-Prone Land and within the coastal environment would be managed under the NESCF.	
Chapter 4 – Coastal Environment Zone			
4.1. Permitted Activities	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 4.2 and 4.3, except that for plantation forestry activity regulated by Parts 1 to 9 of the NES for Plantation Forestry, the standards in 4.2 do not apply.</i>	The note is still relevant, but there is a need to update it to refer to all commercial forestry activities, not just plantation forestry, and to refer to the amended NES.	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 4.2 and 4.3, except that for plantation <u>commercial</u> forestry activity regulated by Parts 1 to 9 of the NES for Plantation <u>Commercial</u> Forestry, the standards in 4.2 do not apply.</i>
Rule 4.1.6.	4.1.6. Plantation forestry replanting.	These rules apply to plantation forestry managed under the NES-PF, with the conditions being those that were allowed, under the original NES, to be more stringent. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 4.1.6. or 4.3.6. are amended.	
Rule 4.3.6.	4.3.6. Plantation forestry replanting. 4.3.6.1. Replanting must not be in, or within: (a) [deleted] (b) 8m of a Significant Wetland; (c) 200m of the coastal marine area. 4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.		
Rule 4.1.10.	4.1.10 Indigenous vegetation clearance.		
Rule 4.3.10.	4.3.10. Indigenous vegetation clearance. Note:	There is a need to update the note to refer to the amended NES.	4.3.10. Indigenous vegetation clearance. Note:

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>Permitted Activity standards 4.3.10.1, and 4.3.10.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.</i>		<i>Permitted Activity standards 4.3.10.1, and 4.3.10.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Commercial Forestry 2017.</i>
Rule 4.1.11.	4.1.11 Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	4.1.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 4.3.11.	4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 4.1.12.	4.1.12. Cultivation.	There is a need to update the reference to the amended NES. However, because the only standard applying to cultivation managed under the NES (4.3.12.4.) has been deleted, the rule in totality effectively does not apply. For simplicity, and consistency with other rules, it would be simpler to note in 4.1.12 that the rule does not apply. Note this recommended change does not arise from the changes to the NES.	4.1.12. Cultivation. <i>Note:</i> <i>Where cultivation is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 4.1.12 does not apply.</i>
Rule 4.3.12.	4.3.12. Cultivation. <i>Note:</i> <i>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.12.1, 4.3.12.2, 4.3.12.3, 4.3.12.5 and 4.3.12.6 do not apply.</i>		Cultivation. <i>Note:</i> <i>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.12.1, 4.3.12.2, 4.3.12.3, 4.3.12.5 and 4.3.12.6 do not apply.</i>
Rule 4.1.13.	4.1.13. Excavation.		
Rule 4.3.13.	4.3.13. Excavation. <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.3(a), 4.3.13.8, 4.3.13.9 and 4.3.13.10 do not apply, and Standard 4.3.13.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.</i>	There is a need to update the reference to the amended NES.	4.3.13. Excavation <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.3(a), 4.3.13.8, 4.3.13.9 and 4.3.13.10 do not apply, and Standard 4.3.13.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.</i>
Rule 4.2.1.6.	4.2.1. Construction and siting of a building or structure except a temporary building or structure, unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities). ... 4.2.1.6. The following fire safety setbacks shall apply: (a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership, or (b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this standard would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.	3.2.1.7. The following fire safety setbacks shall apply: (a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing plantation commercial forestry or carbon sequestration forestry on any adjacent land under different ownership, or (b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>forestry or carbon sequestration forestry on any adjacent land under different ownership.</i>		
Rule 4.5.3.	4.5.3. Plantation forestry afforestation, or plantation forestry replanting that is not provided for as a Permitted Activity. <i>Matters over which the Council has restricted its discretion:</i> 4.5.3.1. <i>Effects on Significant Wetlands.</i> 4.5.3.1. <i>Effects of sedimentation.</i> 4.5.3.1. <i>The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.</i> 4.5.3.1. <i>Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.</i>	This rule applies to plantation forestry managed under the NES-PF, with the matters of discretion limited to those identified through the previous alignment exercise are matters on which stringency could be exercised. The changes to the NES-CF allow for the Council to consider any area in which the PMEP should be more stringent (or lenient) than the NES-CF regulations in regard to afforestation. However, this is a matter that must be considered through a plan change process, rather than being a matter of alignment resulting from the NES-CF. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 4.5.3. is amended.	
Rule 4.5.4.	4.5.4. Plantation forestry harvesting <i>Matters over which the Council has restricted its discretion:</i> 4.5.4.1. <i>Effects on Significant Wetlands.</i> 4.5.4.1. <i>Effects of sedimentation.</i> 4.5.4.1. <i>The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.</i> 4.5.4.1. <i>Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.</i>	This rule applies to plantation forestry managed under the NES-PF, with the matters of discretion limited to those identified through the previous alignment exercise are matters on which stringency could be exercised. Under NES-CF, all provisions are extended to apply to ‘commercial forestry’, which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 4.5.4 is amended.	
Rule 4.5.5	4.5.5. Excavation and filling to construct or upgrade forestry roads, forestry tracks or skid sites. <i>Matters over which the Council has restricted its discretion:</i> 4.5.5.1. <i>Effects of sedimentation.</i> 4.5.5.2 <i>Reduction of sediment loadings in run-off.</i>	This rule applies to specific aspects of forestry, with the matters of discretion limited to those on which stringency could be exercised under the original NES. It is not affected by the changes introduced to the NES-CF.	

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	4.5.5.3 The effects on the values of Outstanding Natural Features and Landscapes. 4.5.5.4 Effects on Significant Wetlands 4.5.5.5 Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.		
Rule 4.6.6.	4.6.6. Quarrying and mining. Note: Where quarrying is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.6.6 does not apply.	There is a need to update the reference to the amended NES.	4.6.6. Quarrying and mining. Note: Where forestry quarrying is managed under the National Environmental Standards for Plantation <u>Commercial</u> Forestry 2017 Rule 4.6.6 does not apply.
Rule 4.7.1.	4.7.1. Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration or woodlot forestry.	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i>. However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i>. Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry</i> planting under these rules may therefore continue to be more stringent than the NES-CF. It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF.	4.7.1. Plantation forestry afforestation, <u>exotic continuous-cover forestry afforestation</u>, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, <u>exotic continuous-cover</u>, carbon sequestration or woodlot forestry.
Chapter 7 – Coastal Living Zone			
Rule 7.1.9.	7.1.9. Indigenous vegetation clearance.		
Rule 7.3.7.	7.3.7. Indigenous vegetation clearance. Note: Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards, 7.3.7.1, 7.3.7.2, 7.3.7.5 and 7.3.7.6 do not apply.	There is a need to update the note to refer to the amended NES.	7.3.7. Indigenous vegetation clearance. Note: Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation <u>Commercial</u> Forestry 2017, Standards, 7.3.7.1, 7.3.7.2, 7.3.7.5 and 7.3.7.6 do not apply.
Rule 7.1.10.	7.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	7.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation <u>Commercial</u> Forestry 2017.
Rule 7.3.8.	7.3.8. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the	7.3.8. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation <u>Commercial</u> Forestry 2017.

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		reference should be updated to refer to the amended NES.	
Rule 7.1.11	7.1.11. Excavation or filling.		
Rule 7.3.9.	7.3.9. Excavation or filling. <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.15 do not apply.</i>	There is a need to update the reference to the amended NES.	7.3.9. Excavation or filling. <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.15 do not apply.</i>
Rule 7.5.1	7.5.1. Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration or woodlot forestry.	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i>. However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i>. Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry</i> planting under these rules may therefore continue to be more stringent than the NES-CF. It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF.	7.5.1. Plantation forestry afforestation, <u>exotic continuous-cover forestry afforestation</u>, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, <u>exotic continuous-cover</u>, carbon sequestration or woodlot forestry.
Chapter 8 – Rural Living Zone			
Rule 8.1.12.	8.1.12. Excavation or filling		
Rule 8.3.11.	8.3.11. Excavation or filling <i>Note:</i> <i>Where excavation or filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 8.3.11.3 to 8.3.11.6 and 8.3.11.8 to 8.3.11.14 do not apply.</i>	There is a need to update the reference to the amended NES.	8.3.11. Excavation or filling <i>Note:</i> <i>Where excavation or filling are managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Standards 8.3.11.3 to 8.3.11.6 and 8.3.11.8 to 8.3.11.14 do not apply.</i>
Rule 8.2.1.10	8.2.1. Construction and siting of a building or structure except a temporary building or structure, or unmodified shipping container (unless any Standards listed below are specified as Standards for those activities). 8.2.1.10 <i>A habitable structure or an accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.</i>	As a consequence of the definitions being amended, “ <i>carbon sequestration forestry</i> ” referred to in this standard would no longer include “ <i>exotic continuous-cover forestry</i> ”. However, because this standard already refers to commercial forestry, which does encompass the latter (rather than the narrower	

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		definition of plantation forestry), it would still apply and no change is needed.	
Chapter 19 – Open Space 3 Zone			
Rule 19.1.5	19.1.5. Indigenous vegetation clearance.		
Rule 19.3.3.	19.3.3. Indigenous vegetation clearance. <i>Note:</i> <i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 19.3.3.1., 19.3.3.2, 19.3.3.3(a), 19.3.3.4 and 19.3.3.5 do not apply.</i>	There is a need to update the note to refer to the amended NES.	19.3.3. Indigenous vegetation clearance. <i>Note:</i> <i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Commercial Forestry 2017, Standards 19.3.3.1., 19.3.3.2, 19.3.3.3(a), 19.3.3.4 and 19.3.3.5 do not apply.</i>
Rule 19.1.6.	19.1.6. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	19.1.6. Non-indigenous vegetation clearance. excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 19.3.4.	19.3.4. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	19.3.4. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 19.1.7.	19.1.7. Excavation		
Rule 19.3.5.	19.3.5. Excavation <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 19.3.5.1, 19.3.5.2, 19.3.5.3(a), 19.3.5.4, 19.3.5.11, 19.3.5.13, 19.3.5.14 and 19.3.5.15 do not apply, and Standard 19.3.5.12 only applies to the extent that it relates to Significant Wetlands smaller than 0.25 ha in area.</i>	There is a need to update the reference to the amended NES.	19.3.5. Excavation <i>Note:</i> <i>Where excavation is managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Standards 19.3.5.1, 19.3.5.2, 19.3.5.3(a), 19.3.5.4, 19.3.5.11, 19.3.5.13, 19.3.5.14 and 19.3.5.15 do not apply, and Standard 19.3.5.12 only applies to the extent that it relates to Significant Wetlands smaller than 0.25 ha in area.</i>
Rule 19.2.1.4	19.2.1. Construction and siting of any building and structure. 19.2.1.4 A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this standard would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.	19.2.1.4 A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
Chapter 20 – Open Space 4 Zone			
Rule 20.1.5.	20.1.5. Excavation or filling.		
Rule 20.3.3.	20.3.3. Excavation or filling. <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks,</i>	There is a need to update the reference to the amended NES.	20.3.3. Excavation or filling. <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Standards</i>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>Standards 20.3.3.1, 20.3.3.2, 20.3.3.6, 20.3.3.7, 20.3.3.8, 20.3.3.9 and 20.3.3.10 do not apply, and Standard 20.3.3.5 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha.</i>		<i>20.3.3.1, 20.3.3.2, 20.3.3.6, 20.3.3.7, 20.3.3.8, 20.3.3.9 and 20.3.3.10 do not apply, and Standard 20.3.3.5 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha.</i>
Rule 20.1.6.	20.1.6. Planting of vegetation but excluding planting managed under the National Environmental Standards for Plantation Forestry 2017 as afforestation or replanting.	There is a need to update the reference to the amended NES.	20.1.6. Planting of vegetation but excluding planting managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as afforestation or replanting.
Rule 20.3.4.	20.3.4. Planting of vegetation.	There is a discrepancy between the title of Rule 20.1.6. and the conditions set out in Rule 20.3.4. It is recommended that these are aligned.	20.3.4. Planting of vegetation <u>but excluding planting managed under the National Environmental Standards for Commercial Forestry 2017 as afforestation or replanting.</u>
Rule 20.1.7.	20.1.7. Vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	20.1.7. Vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 20.3.5.	20.3.5. Vegetation Clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	20.3.5. Vegetation Clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 20.4.1.	20.4.1. Excavation in excess of 1000m3 on any land with a slope greater than 20° within any 24 month period. <i>Note: Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</i>	There is a need to update the reference to the amended NES.	20.4.1. Excavation in excess of 1000m3 on any land with a slope greater than 20° within any 24 month period. <i>Note: Where excavation is managed under the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</i>
Chapter 22 – Lake Grassmere Salt Works Zone			
Rule 22.1.7.	22.1.7. Excavation excluding where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.	There is a need to update the reference to the amended NES.	22.1.7. Excavation excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks.
Rule 22.3.6.	22.3.6. Excavation excluding where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	22.3.6. Excavation excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017 as earthworks.
Rule 22.1.9.	22.1.9. Indigenous vegetation clearance.		
Rule 22.3.8.	22.3.8. Indigenous vegetation clearance. <i>Note: Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 22.3.8.1, 22.3.8.2, 22.3.8.4, 22.3.8.5 and 22.3.8.6 do not apply.</i>	There is a need to update the note to refer to the amended NES.	22.3.8. Indigenous vegetation clearance. <i>Note: Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Commercial Forestry 2017, Standards 22.3.8.1, 22.3.8.2, 22.3.8.4, 22.3.8.5 and 22.3.8.6 do not apply.</i>
Rule 22.1.10	22.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	There is a need to update the reference to the amended NES.	22.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.
Rule 22.3.9.	22.3.9. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its	22.3.9. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Commercial Forestry 2017.

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	
Rule 22.4.2	22.4.2. Excavation of land exceeding 500mm in depth and within 100m of the zone boundary. Note: Where earthworks are managed under the National Environmental Standards for Plantation Forestry 2017, Rule 22.4.2 does not apply.	There is a need to update the reference to the amended NES.	22.4.2. Excavation of land exceeding 500mm in depth and within 100m of the zone boundary. Note: Where earthworks are managed under the National Environmental Standards for Plantation Commercial Forestry 2017, Rule 22.4.2 does not apply.
Volume 1			
Chapter 5 - Allocation of Freshwater Resources			
Policy 5.3.15	Policy 5.3.15 – Require land use consent for the planting of new plantation forestry and carbon sequestration forestry in flow sensitive areas. Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date. The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes run-off to smaller catchments. These factors make the water resource supplied by run-off from the land more vulnerable to changes in water yield. The policy does not apply to existing plantation forestry or carbon sequestration forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this policy (and related explanation) would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.	Policy 5.3.15 – Require land use consent for the planting of new plantation commercial forestry and carbon sequestration forestry in flow sensitive areas. Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date. The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes run-off to smaller catchments. These factors make the water resource supplied by run-off from the land more vulnerable to changes in water yield. The policy does not apply to existing plantation commercial forestry or carbon sequestration forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.
Policy 5.3.16	Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with existing plantation forestry and carbon sequestration forestry established after 9 June 2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%. The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this policy (and related explanation) would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.	Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with existing plantation commercial forestry and carbon sequestration forestry established after 9 June 2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%. The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of environmental

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>environmental effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.</i> <i>The establishment of plantation forestry and carbon sequestration forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider plantation forestry and carbon sequestration forestry established after 9 June 2016.</i>		<i>effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.</i> <i>The establishment of plantation <u>commercial</u> forestry and carbon sequestration forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider plantation <u>commercial</u> forestry and carbon sequestration forestry established after 9 June 2016.</i>