

## Chapter 2: General Rules

| Rule #  | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended  |
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| <b>Activity In, On, Over or Under the Bed of a Lake or River</b>  |   |   |  |  |
| <p><u>Rule 2.7.1</u></p> <p>Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river</p> <p>2.9.1 Standards that apply to specific permitted activities</p> | <p><u>Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river</u></p> <p><u>2.9.1.1.</u></p> <p>The structure must have been lawfully established.</p> <p><u>2.9.1.2.</u></p> <p>The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.</p> <p><u>2.9.1.3.</u></p> <p>There must be no significant change to the external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.</p> <p><u>2.9.1.4.</u></p> <p>No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.</p> <p><u>2.9.1.5.</u></p> <p>Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.</p> | <p>The NES-PF provides permitted activity conditions for several types of river crossings (Regulations 38-45), including in relation to their construction, use, maintenance and removal. As such, where the use, maintenance or removal would also be considered an alteration, repair or maintenance of an existing structure under the pMEP, there is a conflict between Rule 2.7.1 and the regulations set out in the NES-PF.</p> | <p>Rule 2.7.1 and the standards under Heading 2.9.1 of the pMEP will apply to some river crossings (as defined in the NES-PF).</p> <p>There are no standards for Rule 2.7.1 which are able to be more stringent than the NES-PF in accordance with Regulation 6. Therefore, to the extent that any alteration, repair or maintenance of an existing river crossing is managed under the NES-PF, the pMEP Rule 2.7.1 and associated standards do not apply.</p> <p>Therefore, we recommend a note be included below Rule 2.7.1.</p>   | <p>Add the following note beneath Rule 2.7.1:</p> <p><i>Note:</i></p> <p><i>Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.</i></p>   |
| <p><u>Rule 2.7.5</u></p> <p>Construction or placement of a new structure in, on, under or over the bed of an ephemeral river</p> <p>2.9.5 Standards that apply to specific permitted</p>                | <p><u>Construction or placement of a new structure in, on, under or over the bed of an ephemeral river</u></p> <p><u>2.9.5.1.</u></p> <p>The structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p><u>2.9.5.2.</u></p> <p>The structure must not intersect the groundwater.</p> <p><u>2.9.5.3.</u></p> <p>The structure must not be located in, or within 8m of, a Significant Wetland.</p> <p><u>2.9.5.4.</u></p>   | <p>The NES-PF provides permitted activity conditions for several types of river crossings (Regulations 38-45).</p> <p>The NES-PF does not separately define 'ephemeral river' but refers to the definition of 'river' in the RMA which includes an ephemeral river. As such, river crossings provided for in the NES-PF would also include a river crossing over an ephemeral river.</p>  | <p>Under Regulation 6(2)(b) of the NES-PF Standard 2.9.5.3 is able to be more stringent as it seeks the protection of Significant Wetlands (significant natural areas).</p> <p>Standard 2.9.5.4 relates back to the zone-based land disturbance rules. As some of these rules will still apply to plantation forestry activities, reference to these rules needs to be retained.</p> <p>We recommend that Rule 2.7.5 is amended to make it clear that it applies to new river crossings managed under the NES-PF, with a note included beneath Heading 2.9.5 to clarify which standards apply.</p> | <p>Amend Rule 2.7.5 as follows:</p> <p><i>2.7.5 Construction or placement of a new structure in, on, under or over the bed of an ephemeral river, including any new river crossing managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following note beneath Heading 2.9.5:</p> <p><i>Note:</i></p> <p><i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for</i></p> |

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| activities   | <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>   |  |  | <i>Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</i>  |
| <u>Rule 2.7.7</u><br><br>Culvert installation in, on, under or over the bed of a river<br><br>2.9.7<br><br>Standards that apply to specific permitted activities | <u>2.9.7.1.</u><br><i>A secondary flow path must be provided which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to any person's property not undertaking the culvert installation.</i><br><br><u>2.9.7.2.</u><br><i>The culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.</i><br><br><u>2.9.7.3.</u><br><i>There must be no increase in the velocity of flow through or downstream of the culvert at the river's median flow.</i><br><br><u>2.9.7.4.</u><br><i>The total length of the culvert must not exceed 8m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m.</i><br><br><u>2.9.7.5.</u><br><i>The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.</i> | Regulations authorising river crossings in the NES-PF include single culverts and battery culverts. Integral to the operation of a single or battery culvert as a river crossing requires the installation of a culvert in, on, under or over the bed of a river.<br><br>Heading 2.9.7 in the pMEP sets out the permitted activity standards for the installation of a culvert and would apply to the installation of a culvert for the purpose of constructing a single or battery culvert river crossing as defined in the NES-PF. | None of the circumstances outlined in Regulation 6 of the NES-PF apply to these standards. Additionally, all effects managed by the Standards for Rule 2.7.7 are managed in the relevant regulations of the NES-PF.<br><br>Therefore, the installation of a culvert in, on, under or over the bed of river for use as a river crossing is only managed by the NES-PF and we recommend a note be included below Rule 2.7.7. | Add the following note beneath Rule 2.7.7:<br><br><i>Note:</i><br><br><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> |
| <u>Rule 2.10.1</u><br><br>Discretionary Activity   | <i>Any activity provided for as a Permitted Activity that does not meet the applicable standards.</i>   | Discretionary activity Rule 2.10.1 within the pMEP would include activities in, on, under or over the bed of a lake or river as they apply to commercial forestry activities. As this will apply only to those activities that may be more stringent than the provisions within NES-PF, the discretionary rule within the pMEP can be retained.  | No amendments recommended for Rule 2.10.1.   | No amendments recommended.   |
| <b>Discharge to water</b>  |   |  |  |  |
| <u>Rule 2.16.3</u><br><br>Discharge of stormwater  | <u>2.17.3 Discharge of stormwater to water</u><br><br><u>2.17.3.1.</u>  | Some regulations in the NES-PF manage the discharge of stormwater and sediment as part of the eight core plantation forestry activities.   | None of the circumstances outlined in Regulation 6 of the NES-PF apply to these standards. Additionally, all effects managed by the Standards for Rule 2.16.3 are managed in the relevant  | Add the following note beneath Rule 2.16.3:<br><br><i>Note:</i>  |

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| <p>to water</p> <p>2.17.3</p> <p>Standards that apply to specific permitted activities</p> | <p><i>For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.</i></p> <p><u>2.17.3.2.</u></p> <p><i>For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.</i></p> <p><u>2.17.3.3.</u></p> <p><i>For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.</i></p> <p><u>2.17.3.4.</u></p> <p><i>The discharge must not have, after reasonable mixing, any of the following effects on water quality:</i></p> <p><i>(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</i></p> <p><i>(b) any conspicuous change in the colour or visual clarity;</i></p> <p><i>(c) any emission of objectionable odour;</i></p> <p><i>(d) the rendering of fresh water unsuitable for consumption by farm animals;</i></p> <p><i>(e) any significant adverse effects on aquatic life.</i></p> <p><u>2.17.3.5.</u></p> <p><i>The discharge must not cause flooding on land other than land within the Floodway Zone.</i></p> <p><u>2.17.3.6.</u></p> <p><i>The discharge must not cause erosion at, or downstream of, the discharge point.</i></p> <p><u>2.17.3.7.</u></p> <p><i>The discharge must not alter the natural course of the receiving water.</i></p> <p><u>2.17.3.8.</u></p> <p><i>The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.</i></p> <p><u>2.17.3.9.</u></p> <p><i>The discharge must not contain stormwater from an area where a hazardous substance is stored unless:</i></p> | <p>Several of the land disturbance standards in the pMEP set out water quality standards which must be met for an activity to be considered permitted. Standards 2.17.3.1 and 2.17.3.10 are not relevant to activities managed under the NES-PF as they are an “urban area” as defined by the NES-PF and the NES-PF does not apply to urban areas.</p> <p>Standards 2.17.3.2; 2.17.3.3; 2.17.3.5 are more stringent and conflict with the provisions in the NES-PF. Standards 2.17.3.4; 2.17.3.6; 2.17.3.7; 2.17.3.8 and 2.17.3.9 duplicate regulations in the NES-PF.</p> | <p>regulations of the NES-PF. As such only the NES-PF applies to stormwater discharges managed under the NES-PF.</p> <p>We recommend a note be included beneath Rule 2.16.3 to clarify this.</p> | <p><i><u>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.</u></i></p> |

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|   | <p>(a) the hazardous substance cannot enter the stormwater;</p> <p>(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.</p> <p><u>2.17.3.10.</u></p> <p>If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2.</p> |  |   |                            |
| <p><u>Rule 2.19.1</u></p> <p>Discretionary Activity</p> | <p><u>2.19.1</u></p> <p>Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.</p>   | <p>The NES-PF only manages the discharge of sediment-laden stormwater as part of the eight core plantation forestry activities.</p> <p>As discussed above, the discharge of stormwater is authorised by the regulations of the NES-PF, therefore discretionary activity Rule 2.19.1 is not relevant.</p> | No amendments recommend for Rule 2.19.1 | No amendments recommended. |

## Chapter 3: Rural Environment Zone

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| <p><u>Rule 3.1.6</u></p> <p>Commercial forestry planting and carbon sequestration (non-permanent).</p> <p>3.3.6</p> <p>Standards that apply to specific permitted activities</p> | <p><u>Commercial forestry planting and carbon sequestration forestry planting (non-permanent).</u></p> <p><u>3.3.6.1.</u></p> <p>The following species must not be planted:</p> <p>(a) Douglas fir (<i>Pseudotsuga menziesii</i>);</p> <p>(b) Lodgepole pine (<i>Pinus contorta</i>);</p> <p>(c) Muricata pine (<i>Pinus muricata</i>);</p> <p>(d) European larch (<i>Larix decidua</i>);</p> <p>(e) Scots pine (<i>Pinus sylvestris</i>);</p> <p>(f) Mountain or dwarf pine (<i>Pinus mugo</i>);</p> <p>(g) Corsican pine (<i>Pinus nigra</i>).</p> <p><u>3.3.6.2.</u></p> <p>Planting must not be in, or within:</p> <p>(a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;</p> <p>(b) 100m of a habitable structure or accessory building located on any adjacent land under different ownership;</p> <p>(c) 30m of a formed and sealed public road;</p> | <p>Under the NES-PF, afforestation and replanting are permitted, subject to meeting conditions that include various setbacks.</p> <p>The definitions of 'afforestation' and 'replanting' in the NES-PF are such they also fall within the definition of 'Commercial forestry planting' within the pMEP. As such, Rule 3.1.6 and related standards currently apply to activities managed under the NES-PF and in many cases the standards conflict with the regulations.</p> | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations relating to:</p> <ul style="list-style-type: none"> <li>- The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> <li>- Outstanding Natural Features and Landscapes (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF);</li> <li>- Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF).</li> </ul> <p>As such, all or part of permitted standards 3.3.6.2(e), (f) and (i), and 3.3.6.3 are able to be more stringent than the NES-PF and can be retained on this basis.</p> <p>Permitted Standard 3.3.6.2(g), which relates water yield in flow sensitive sites can be retained in accordance with Section 43A(5) of the RMA as it relates to managing the effects of afforestation and replanting that differ from those dealt with in the NES-PF.</p> | <p>Amend Rule 3.1.6 as follows:</p> <p>3.1.6 Commercial forestry planting <u>including where managed by the National Environmental Standards for Plantation Forestry 2017, and carbon sequestration forestry planting (non-permanent).</u></p> <p>Amend the standards under Heading 3.3.6 as follows:</p> <p><u><del>3.3.6.1.</del></u></p> <p><u><del>The following species must not be planted:</del></u></p> <p><u><del>(a) Douglas fir (<i>Pseudotsuga menziesii</i>);</del></u></p> <p><u><del>(b) Lodgepole pine (<i>Pinus contorta</i>);</del></u></p> <p><u><del>(c) Muricata pine (<i>Pinus muricata</i>);</del></u></p> <p><u><del>(d) European larch (<i>Larix decidua</i>);</del></u></p> <p><u><del>(e) Scots pine (<i>Pinus sylvestris</i>);</del></u></p> <p><u><del>(f) Mountain or dwarf pine (<i>Pinus mugo</i>);</del></u></p> <p><u><del>(g) Corsican pine (<i>Pinus nigra</i>).</del></u></p> |

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|      | <p>(d) 8m of a river (except an ephemeral river) or lake;</p> <p>(e) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p>(f) 200m of the coastal marine area;</p> <p>(g) an Afforestation Flow Sensitive Site;</p> <p>(h) Steep Erosion-Prone Land, unless replanting harvested commercial forest lawfully established;</p> <p>(i) the Limestone Coastline Outstanding Natural Feature and Landscape;</p> <p>(j) the Wairau Dry Hills Landscape.</p> <p><u>3.3.6.3.</u></p> <p>Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> |  | <p>In relation to Significant Wetlands, while the standards are able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF, the MEP standard is currently more lenient than the NES-PF in relation to afforestation, which requires a 10m setback from any significant natural area. For replanting, the NES-PF requires that the replanting not occur in any area closer to the stump line to an adjacent significant natural area, and therefore the 8m setback can be retained as it relates to replanting. It is recommended that the standard is amended to align with the setback in the NES-PF in relation to afforestation, as this ensures clarity that such wetlands are significant natural areas under the definition in the NES-PF (and therefore Regulation 14(3)(b)(v) applies, rather than being considered only wetlands, to which a 5m setback under Regulation 14(3)(a)(ii) would apply). The 8m setback is able to be retained as it relates to replanting.</p> <p>Regulation 13 of the NES-PF states that afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape. As such, Permitted Standard 3.3.6.2(j), can be retained insofar as it applies to planting/afforestation, but amended so that it does not apply to replanting. It is also noted that under Regulation 15(13) of the NES-PF, the effect of non-compliance with this standard is that the activity becomes a controlled activity under the NES-PF (not a discretionary activity under the pMEP).</p> <p>We consider that all other provisions that manage commercial forestry planting and carbon sequestration forestry planting (non-permanent) activities should be removed from the pMEP.</p> | <p><u>3.3.6.2.</u></p> <p>Planting must not be in, or within:</p> <p><del>(a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;</del></p> <p><del>(b) 100m of a habitable structure or accessory building located on any adjacent land under different ownership;</del></p> <p><del>(c) 30m of a formed and sealed public road;</del></p> <p><del>(d) 8m of a river (except an ephemeral river) or lake;</del></p> <p>(e) <u>810m of a Significant Wetland, or in the case of replanting, 8m or 30m of a river within a Water Resource Unit with a Natural State classification;</u></p> <p>(f) 200m of the coastal marine area;</p> <p>(g) an Afforestation Flow Sensitive Site;</p> <p><del>(h) Steep Erosion-Prone Land, unless replanting harvested commercial forest lawfully established;</del></p> <p>(i) the Limestone Coastline Outstanding Natural Feature and Landscape;</p> <p>(j) the Wairau Dry Hills Landscape, <u>excluding replanting.</u></p> <p><u>3.3.6.3.</u></p> <p>Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> |

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| <p><u>Rule 3.1.7.</u></p> <p><i>Commercial forestry harvesting.</i></p> <p>3.3.7</p> <p><i>Standards that apply to specific permitted activities</i></p> | <p><u>Commercial forestry harvesting.</u></p> <p>3.3.7 Commercial forestry harvesting.</p> <p><u>3.3.7.1.</u></p> <p><i>Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22.</i></p> <p><u>3.3.7.2.</u></p> <p><i>Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.</i></p> <p><u>3.3.7.3.</u></p> <p><i>Harvesting must not be in, or within:</i></p> <p>(a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);</p> <p>(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p>(c) 200m of the coastal marine area.</p> <p><u>3.3.7.4.</u></p> <p><i>Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</i></p> <p><u>3.3.7.5.</u></p> <p><i>No excavation or filling in excess of 1000m<sup>3</sup> must occur on any land with a slope greater than 20° within any 24 month period.</i></p> <p><u>3.3.7.6.</u></p> <p><i>No excavation must occur on any land with a slope greater than 35°.</i></p> <p><u>3.3.7.7.</u></p> <p><i>Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.</i></p> <p><u>3.3.7.8.</u></p> | <p>Under the NES-PF, harvesting is permitted, subject to meeting conditions.</p> <p>The definition of 'Harvesting' within the NES-PF is such that all harvesting activities within the pMEP will fall within the definition of 'Commercial forestry harvesting' within the pMEP. As such, Rule 3.1.7 and related standards currently apply to activities managed under the NES-PF and in many cases the standards conflict with the regulations.</p> | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations relating to:</p> <ul style="list-style-type: none"> <li>- Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>- The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> <li>- Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF).</li> </ul> <p>As such, all or parts of permitted standards 3.3.7.3(b), 3.3.7.3(c), 3.3.7.4, 3.3.7.9, 3.3.7.10, 3.3.7.11, 3.3.7.12, and 3.3.11.17 are able to be more stringent than the NES-PF. Standard 3.3.11.14 is also able to be more stringent, but in relation to the coastal marine area, the standard is currently less stringent than the regulations. The NES-PF is 30m and the pMEP is 8m. Therefore the standard is recommended to be amended to remove this conflict in accordance with 44A(2)(b) of the RMA.</p> <p>We consider that all other provisions that manage commercial forestry harvesting activities should be removed from the pMEP. This includes the removal of Appendix 22, which is only referred to in permitted activity standards which are to be removed.</p> | <p>Amend Rule 3.1.7 as follows:</p> <p><u>3.1.7 Commercial forestry harvesting including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Amend the standards under Heading 3.3.7 as follows:</p> <p><u>3.3.7 Commercial forestry harvesting.</u></p> <p><del>3.3.7.1.</del></p> <p><del>Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22.</del></p> <p><del>3.3.7.2.</del></p> <p><del>Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.</del></p> <p><u>3.3.7.3.</u></p> <p><i>Harvesting must not be in, or within:</i></p> <p><del>(a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);</del></p> <p><del>(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</del></p> <p><del>(c) 200m of the coastal marine area.</del></p> <p><u>3.3.7.4.</u></p> <p><i>Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</i></p> <p><del>3.3.7.5.</del></p> <p><del>No excavation or filling in excess of 1000m<sup>3</sup> must occur on any land with a slope greater</del></p> |

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|      | <p>Water control measures and sediment control measures must be constructed and maintained in:</p> <p>(a) all areas disturbed by any excavation or filling undertaken on the land;</p> <p>(b) all forestry roads, forestry tracks or skid sites on the land (including</p> <p>(c) existing forestry roads, forestry tracks or skid sites);</p> <p>(d) such that the areas, roads, tracks and sites are stable.</p> <p><u>3.3.7.9.</u></p> <p>All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.</p> <p><u>3.3.7.10</u></p> <p>Notwithstanding 3.3.7.9, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.</p> <p><u>3.3.7.11.</u></p> <p>Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.</p> <p><u>3.3.7.12.</u></p> <p>Trees, slash and soil debris must:</p> <p>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;</p> <p>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</p> <p>(c) be stored on stable ground;</p> <p>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</p> <p><u>3.3.7.13.</u></p> <p>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing) or lake except where:</p> <p>(a) access is essential to assisting in the directional felling of trees away from the river or lake;</p> <p>(b) crossing the bed of a river to enable access;</p> <p>(c) tree slash or soil debris must be removed from the river or lake so as to comply with other Standards for</p> |  |                                       | <p><del>than 20° within any 24 month period.</del></p> <p><del>3.3.7.6.</del></p> <p><del>No excavation must occur on any land with a slope greater than 35°.</del></p> <p><del>3.3.7.7.</del></p> <p><del>Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.</del></p> <p><del>3.3.7.8.</del></p> <p><del>Water control measures and sediment control measures must be constructed and maintained in:</del></p> <p><del>(a) all areas disturbed by any excavation or filling undertaken on the land;</del></p> <p><del>(b) all forestry roads, forestry tracks or skid sites on the land (including</del></p> <p><del>(c) existing forestry roads, forestry tracks or skid sites);</del></p> <p><del>(d) such that the areas, roads, tracks and sites are stable.</del></p> <p><u>3.3.7.9.</u></p> <p>All trees must be felled away from a <del>river</del> (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.</p> <p><u>3.3.7.10</u></p> <p>Notwithstanding 3.3.7.9, where trees are leaning over a <del>river, lake</del>, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.</p> <p><u>3.3.7.11.</u></p> <p>Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through <del>the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or</del> Significant Wetland or through the coastal marine area.</p> <p><u>3.3.7.12.</u></p> |

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|      | <p>commercial forestry harvesting. In all cases, the Council must be notified at least 2 working days prior to the use of the machinery.</p> <p><u>3.3.7.14.</u></p> <p>Wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland or the coastal marine area.</p> <p><u>3.3.7.15.</u></p> <p>Trees must be fully suspended when being pulled across a river (except an ephemeral river or intermittently flowing river, when not flowing).</p> <p><u>3.3.7.16.</u></p> <p>Stembutts must be lifted clear of the ground during extraction and transport to the skid site, where practicable.</p> <p><u>3.3.7.17.</u></p> <p>Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale.</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.</p> <p>(c) the change in reflectance must be &lt;50%.</p> <p><u>3.3.7.18.</u></p> <p>All significant forestry road failures, slope failures and skid failures must be reported to Council within 2 working days of the land owner or harvest operator (including any employee or contractor of the owner or harvest operator) becoming aware of the failures.</p> <p><u>3.3.7.19.</u></p> <p>Within 30 days after they are no longer required to be used for harvesting, all harvesting tracks must be recovered so that the contour of the land is restored as closely as practicable to that before the harvesting or associated land disturbance.</p> <p><u>3.3.7.20.</u></p> |  |                                       | <p>Trees, slash and soil debris must:</p> <p>(a) not be left within 8m of, or deposited in, a <del>river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;</del></p> <p>(b) not be left in a position where it can enter, or be carried into, a <del>river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</del></p> <p><del>(c) be stored on stable ground;</del></p> <p><del>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</del></p> <p><u>3.3.7.13.</u></p> <p><del>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing) or lake except where:</del></p> <p><del>(a) access is essential to assisting in the directional felling of trees away from the river or lake;</del></p> <p><del>(b) crossing the bed of a river to enable access;</del></p> <p><del>(c) tree slash or soil debris must be removed from the river or lake so as to comply with other Standards for commercial forestry harvesting. In all cases, the Council must be notified at least 2 working days prior to the use of the machinery.</del></p> <p><u>3.3.7.14.</u></p> <p>Wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland <del>or the coastal marine area.</del></p> <p><u>3.3.7.15.</u></p> <p><del>Trees must be fully suspended when being pulled across a river (except an ephemeral river or intermittently flowing river, when not flowing).</del></p> <p><u>3.3.7.16.</u></p> <p><del>Stembutts must be lifted clear of the ground during extraction and transport to the skid site, where practicable.</del></p> |



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|  | <p><i>Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.</i></p> |  |   | <p><u>3.3.7.17.</u></p> <p><i>Harvesting must not cause any conspicuous change in the colour or visual clarity of <del>a flowing river after reasonable mixing of</del> the water in a Significant Wetland, <del>lake</del> or the coastal marine area, as measured as follows:</i></p> <p>(a) <i>hue must not be changed by more than 10 points on the Munsell scale.</i></p> <p>(b) <i>the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.</i></p> <p>(c) <i>the change in reflectance must be &lt;50%.</i></p> <p><del>3.3.7.18.</del></p> <p><del>All significant forestry road failures, slope failures and skid failures must be reported to Council within 2 working days of the land owner or harvest operator (including any employee or contractor of the owner or harvest operator) becoming aware of the failures.</del></p> <p><del>3.3.7.19.</del></p> <p><del>Within 30 days after they are no longer required to be used for harvesting, all harvesting tracks must be recovered so that the contour of the land is restored as closely as practicable to that before the harvesting or associated land disturbance.</del></p> <p><del>3.3.7.20.</del></p> <p><del>Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.</del></p> <p>Delete Appendix 22.</p> |
| <p><i>Heading 3.2</i></p> <p><i>Standards that apply to all permitted activities</i></p> | <p><u>3.2.3 Noise</u></p> <p><u>3.2.9 Dust</u></p>  | <p>The standards in 3.2 of the pMEP apply to all permitted activities and therefore apply to all permitted forestry activities within the pMEP. Two of these standards (noise and dust) are also managed under the NES-PF. The permitted standards in the pMEP for noise and dust differ from those in the NES-PF.</p> | <p>The circumstances set out in Regulation 6 where more stringent rules may be included or retained in the pMEP are not met here. Accordingly, we recommend a note be added under the Heading 3.1 Permitted Activities.</p> | <p>Add the following under Heading 3.1 Permitted Activities:</p> <p><i>Unless expressly limited elsewhere by rule a 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, <u>except that for commercial forestry planting and commercial forestry</u></i></p>  |

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|  |   |   |  | <i>harvesting, the standards in 3.2 do not apply.</i>  |
| <p><u>Rule 3.1.11</u><br/><u>Indigenous vegetation clearance.</u></p> <p>3.3.11</p> <p>Standards that apply to specific permitted activities</p> | <p><u>3.3.11.1.</u><br/><i>Indigenous vegetation clearance must comply with Standards 3.3.12.1 to 3.1.12.11 (inclusive).</i></p> <p><u>3.3.11.2.</u><br/><i>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive):</i></p> <p>(a) <i>indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;</i><br/> (b) <i>indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</i><br/> (c) <i>indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</i><br/> (d) <i>where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;</i><br/> (e) <i>where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.</i></p> <p><u>3.3.11.3.</u><br/><i>Clearance of indigenous vegetation must not occur:</i></p> <p>(a) <i>on a Threatened Environments – Indigenous Vegetation Site;</i><br/> (b) <i>on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.</i></p> <p><u>3.3.11.4.</u><br/><i>Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:</i></p> <p>(a) <i>duneland vegetation;</i><br/> (b) <i>coastal grassland;</i><br/> (c) <i>coastal flaxlands;</i><br/> (d) <i>coastal vegetation dominated by (making up &gt;50% of the canopy cover) wharariki/coastal flax (Phormium cookianum);</i><br/> (e) <i>coastal broadleaved shrubland;</i></p> | <p>Under the NES-PF, indigenous vegetation clearance is permitted, subject to meeting conditions.</p> <p>'Indigenous vegetation clearance' is not defined in either the NES-PF or the MEP, but a definition of 'indigenous vegetation' and 'vegetation clearance' is provided within both documents. It is considered the definition of 'indigenous vegetation' and 'vegetation clearance' is similar between the pMEP and NES-PF.</p> <p>As a result, the majority of standards for Rule 3.1.11 would currently apply to indigenous vegetation clearance activities associated with forestry which are managed under the NES-PF.</p> | <p>There are a number of permitted standards in pMEP Rule 3.1.11 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF.</p> <p>Provisions relating to significant natural areas are able to be more stringent (in accordance with Regulation 6(2)(b) of the NES-PF).</p> <p>The NES defines significant natural areas as:</p> <p><i>an area of significant indigenous vegetation or significant habitat of indigenous fauna that—</i></p> <p>(a) <i>is identified in a regional policy statement or a regional or district plan as significant, however described; and</i><br/> (b) <i>is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria</i></p> <p>The only areas of the MEP that meet this definition are the significant wetlands and Ecologically Significant Marine Sites (ESMS) which are mapped within the MEP. As such, Standard 3.3.11.3(b) is able to be retained as the 20m landward setback seeks to protect an area that fits the definition of a significant natural area.</p> <p>In addition, Regulation 6(1)(b) of the NES-PF allows a rule to be more stringent than the NES if the rule gives effect to Policy 22 of the NZCPS. Policy 22 of the NCZPS relates to sedimentation. As Standard 3.3.11.3(b) protects indigenous vegetation on land above mean high water springs that is within 20m of an ESMS, it is considered that this standard protects the ESMS from the effects of sedimentation and therefore Standard 3.3.11.3(b) is able to be retained.</p> <p>Provisions relating the coastal marine area are able to be more stringent than the NES-PF in accordance with Regulation 6(1)(b) if the rule gives effect to Policy 11 of the NZCPS. Policy 11 of the NZCPS relates to indigenous biological diversity. As such, Permitted Standard 3.3.11.4 is able to be more stringent than the NES-PF as it gives effect to the direction set out within Policy 11 of the NZCPS and can continue to apply to forestry activities.</p> | <p>Amend Rule 3.1.11 as follows:</p> <p><i>3.1.11 Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Amend Standard 3.3.11.2 as follows:</p> <p><u>3.3.11.2.</u><br/><i>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive).</i></p> <p>(a) <i>under or within 50m of <del>commercial forest</del>, woodlot forest or shelter belt;</i></p> <p>Add the following note beneath Heading 3.3.11:</p> <p><u>Note:</u><br/><i>Permitted Activity standards 3.3.11.2, 3.3.11.3(a), 3.3.11.5, and 3.3.11.6 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.</i></p> |

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|   | <p>(f) coastal small-leaved shrubland;<br/>(g) coastal salt turf;<br/>(h) coastal speargrass herbfield.</p> <p><u>3.3.11.5.</u><br/>Clearance of indigenous forest must not exceed 1,000m2 per Computer Register in any 5 year period.</p> <p><u>3.3.11.6.</u><br/>Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2,000m2 in any 5 year period where the average canopy height is between 3m and 6m;<br/>(b) 10,000m2 in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:<br/>(i) 500m2 of indigenous sub-alpine vegetation;<br/>(ii) 100m2 of tall tussock of the genus <i>Chinochloa</i>.</p>  |  | <p>As Rule 3.1.11 manages indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 3.1.11 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 3.3.11 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p>  |  |
| <p><u>Rule 3.1.12 Non-indigenous vegetation clearance.</u></p> <p>3.3.12</p> <p>Standards that apply to specific permitted activities</p> | <p><u>3.3.12 - Non-indigenous vegetation clearance.</u></p> <p><u>3.3.12.1.</u><br/>Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.</p> <p><u>3.3.12.2.</u><br/>Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p><u>3.3.12.3.</u><br/>Vegetation clearance must not be in, or within 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p><u>3.3.12.4.</u><br/>Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>3.3.12.5.</u><br/>All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not</p> | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>The definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP.</p> <p>As a result, Rule 3.1.12 and related standards apply to activities managed under, and in some cases conflicts with, the NES-PF.</p> | <p>There are a number of permitted standards in pMEP 3.3.12 that can be more stringent than the NES-PF in accordance with Regulation 6. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>• Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>• Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and</li> <li>• The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> </ul> <p>As such all or parts of Standards 3.3.12.2; 3.3.12.3; 3.3.12.4; 3.3.12.5; 3.3.12.6; 3.3.12.7; 3.3.12.10 and 3.3.12.11 are able to be more stringent than the NES-PF.</p> <p>There are several permitted activity standards for Rule 3.1.12 where only a portion of the standard is able to be more stringent than the NES-PF.</p> <p>As Rule 3.1.12 manages non-indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 3.1.12 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 3.3.12 which identifies which standards apply to activities</p> | <p>Amend Rule 3.1.12 as follows:</p> <p><u>3.1.12 Non-Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Add the following note beneath Heading 3.3.12:</p> <p><u>Where non-indigenous vegetation clearance is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 3.3.12.1, 3.3.12.8 and 3.3.12.9 do not apply, and Standards 3.3.12.2 and 3.3.12.3, 3.3.12.5 to 3.3.12.7, 3.3.12.10 and 3.3.12.11 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. Standard 3.3.12.4 does apply.</u></p> |

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|      | <p><i>flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>3.3.12.6.</u></p> <p><i>No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.</i></p> <p><u>3.3.12.7.</u></p> <p><i>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>3.3.12.8.</u></p> <p><i>On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.</i></p> <p><u>3.3.12.9.</u></p> <p><i>The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.</i></p> <p><u>3.3.12.10.</u></p> <p><i>Woody material greater than 100mm in diameter and soil debris must:</i></p> <p><i>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;</i></p> <p><i>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</i></p> <p><i>(c) be stored on stable ground;</i></p> <p><i>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</i></p> <p><u>3.3.12.11.</u></p> <p><i>Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed</i></p> |  | <p>managed under the NES-PF and those which do not.</p> |  |

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|   | <p><i>due to sediment or sediment laden discharge originating from the vegetation clearance site;</i><br/> <i>(c) the change in reflectance must be &lt;50%</i></p>  |   |   |   |
| <p><u>Rule 3.1.13</u><br/><br/>Cultivation.<br/><br/><del>3.3.13.4</del><br/><br/>Standards that apply to specific permitted activities</p> | <p><u>3.3.13. Cultivation.</u><br/><br/><u>3.3.13.1.</u><br/><br/><i>On all slopes greater than 20° cultivation must be parallel to the contour of the land; except that up to 15% of the cultivated area may be cultivated at an angle to the contour.</i><br/><br/><u>3.3.13.2.</u><br/><br/><i>On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.</i><br/><br/><u>3.3.13.3.</u><br/><br/><i>On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.</i><br/><br/><u>3.3.13.4.</u><br/><br/><i>Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.</i><br/><br/><u>3.3.13.5.</u><br/><br/><i>On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.</i><br/><br/><u>3.3.13.6.</u><br/><br/><i>Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, measured as follows:</i><br/><br/><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i><br/><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;</i><br/><i>(c) the change in reflectance must be &lt;50%.</i></p> | <p>Under the NES-PF, 'mechanical land preparation' is permitted, subject to meeting conditions.</p> <p>The definition of 'mechanical land preparation' within the NES-PF covers all of the same activities as the definition of 'cultivation' within the pMEP. Some of the permitted standards associated with 'cultivation' in the pMEP will be superseded by the NES-PF for mechanical land preparation in related to plantation forestry.</p> <p>As a result, Rule 3.1.13 manages activities that are also managed under the NES-PF and in some cases conflicts with the NES-PF.</p> | <p>There are a number of permitted standards in pMEP 3.3.13 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>• Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>• The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.).</li> </ul> <p>As such, all or part of Standards 3.3.13.2; 3.3.13.3; 3.3.13.4 and 3.3.13.6 are able to be more stringent than the NES-PF in relation to these aspects.</p> <p>There are several permitted activity standards under Heading 3.3.13 where only a portion of the standard is able to be more stringent than the NES-PF.</p> <p>As Rule 3.1.13 manages cultivation more broadly (not just that managed under the NES-PF) we recommend that Rule 3.1.13 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 3.3.13 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 3.1.13 as follows:</p> <p><i>3.1.13 Cultivation <u>including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></i></p> <p>Add the following note beneath Heading 3.3.13:</p> <p><i><u>Where cultivation is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 3.3.13.1 and 3.3.13.5 do not apply, and Standards 3.3.13.2, 3.3.13.3 and 3.3.13.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.</u></i></p> |

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| <p><u>Rule 3.1.14</u></p> <p>Excavation</p> <p>3.3.14</p> <p>Standards that apply to specific permitted activities</p> | <p><u>3.3.14. Excavation.</u></p> <p><u>3.3.14.1.</u></p> <p>Excavation in excess of 1000m<sup>3</sup> must not occur on any land with a slope greater than 20° within any 24 month period.</p> <p><u>3.3.14.2.</u></p> <p>Excavation must not occur on any land with a slope greater than 35°.</p> <p><u>3.3.14.3.</u></p> <p>Excavation must not be in, or within:</p> <p>(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;</p> <p>(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p>(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.</p> <p><u>3.3.14.4.</u></p> <p>The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.</p> <p><u>3.3.14.5.</u></p> <p>There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area.</p> <p><u>3.3.14.6.</u></p> <p>Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>3.3.14.7.</u></p> <p>Excavation must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Condens Overflow.</p> <p><u>3.3.14.8.</u></p> <p>There must be no excavation in excess of 500m<sup>3</sup> per Computer Register Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:</p> | <p>Under the NES-PF, 'earthworks' are permitted, subject to meeting conditions.</p> <p>Given the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of 'Excavation' within the pMEP some of the permitted standards associated with 'Excavation' within the pMEP will be superseded by the NES-PF for activities related to plantation forestry.</p> <p>As a result, the majority of standards applicable to Rule 3.1.14 would currently apply to excavation associated with forestry which is managed under the NES-PF.</p> | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF);</li> <li>The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policies 15 and 22 of the NZCPS.); and</li> <li>An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF).</li> </ul> <p>As such, all or part of Standards 3.3.14.3(a) and (b); 3.3.14.6; 3.3.14.8; 3.3.14.9; and 3.3.14.12 are able to be more stringent in relation to these matters.</p> <p>In accordance with Section 43A(5)(b) of the RMA, Rule 3.3.14.3(c) and 3.3.14.7 can be retained as they manage effects that are not addressed under the NES-PF (the potential effects of earthworks on the structural integrity of stopbanks; and the potential effects of earthworks within flood hazard areas).</p> <p>There are several permitted activity standards in 3.3.14 where only a portion of the standard is able to be more stringent than the NES-PF.</p> <p>As Rule 3.1.14 manages excavation more broadly (not just that managed under the NES-PF) we recommend that Rule 3.1.14 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 3.3.14 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 3.1.14 as follows:</p> <p><u>3.3.14. Excavation, including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Add the following note beneath Heading 3.3.14:</p> <p><u>Where excavation is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 3.3.14.1, 3.3.14.2, 3.3.14.4, 3.3.14.5, 3.3.14.10 and 3.3.14.11 do not apply, and Standards 3.3.14.3(a) and (b), 3.3.14.9 and 3.3.14.12 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. All other Standards, or parts thereof, do apply.</u></p> |

| Rule  | Rule   | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?   | Amendment recommended (identified as <del>red-strikeout</del> or <u>red underlined</u> )   |
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|   | <p>(a) Chalk Range;<br/> (b) Inland Kaikoura Range;<br/> (c) Molesworth Station and Upper Clarence;<br/> (d) Limestone Coastline.</p> <p><u>3.3.14.9.</u></p> <p>Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</p> <p><u>3.3.14.10.</u></p> <p>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.</p> <p><u>3.3.14.11.</u></p> <p>Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.</p> <p><u>3.3.14.12.</u></p> <p>Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;<br/> (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;<br/> (c) the change in reflectance must be &lt;50%.</p> |  |   |  |
| <p><u>Rules under 3.5.</u></p> <p>Restricted Discretionary Activities</p> | <p><u>3.5.1.</u></p> <p>Excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.</p> <p>Matters over which the Council has restricted its discretion:</p> <p>3.5.1.1. The effects on water quality and soil conservation from the excavation.</p>   | <p>The pMEP provides a restricted discretionary activity status for excavation associated with commercial forestry harvesting activities where it is in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period.</p> <p>As mentioned above, the definition of 'earthworks' in the NES-PF is consistent with the definition of 'excavation' in the pMEP and therefore the rule overlaps with the NES-PF, which provides permitted, controlled and restricted discretionary activity standards in relation to earthworks.</p> | <p>Rule 3.5.1 conflicts with NES-PF and none of the circumstances in Regulation 6 apply. This takes into account that while the Rule would currently capture commercial forestry harvesting in circumstances where Regulation 6 might apply (for example, within an ONL), these are not managed within the matters of discretion to the rule and there are other rules in the MEP that manage the Regulation 6 matters (for example, specific rules relating to harvesting in ONLs). As such Rule 3.5.1 should be amended to remove the conflict by explicitly excluding its application to 'commercial forestry harvesting'.</p> | <p>Amend Rule 3.5.1 as follows:</p> <p><u>3.5.1.</u></p> <p>Excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period including excavation as part of <del>Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities</del>, <u>but excluding excavation as part of Commercial Forestry Harvesting.</u></p> <p>Matters over which the Council has restricted its discretion:</p> <p>3.5.1.1. The effects on water quality and soil</p> |

| Rule   | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended (identified as <b>red-strikeout</b> or <b>red underlined</b> )   |
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|  |   |   |   | conservation from the excavation.  |
| <u>Rules under 3.6</u><br><br>Discretionary Activity | <u>3.6.1</u><br><br>Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.<br><br><u>3.6.6</u><br><br>Quarrying and mineral extraction  | <u>3.6.1</u><br><br>The discretionary activity Rule 3.6.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the MEP can be retained.<br><br><u>3.6.6</u><br><br>The pMEP does not define 'quarrying' or 'mineral extraction'. A definition of 'forestry quarrying' is included in the NES-PF and standards provide a permitted, controlled or restricted discretionary activity status.   | <u>3.6.1</u><br><br>No amendments recommended for Rule 3.6.1.<br><br><u>3.6.6</u><br><br>The circumstances where more stringent standards may be included/retained in the pMEP are not applicable as there are no activity standards. As such, any forestry quarrying as defined by the NES-PF will be subject to the provisions in the NES-PF. Accordingly, we recommend a note is included below the discretionary activity rule.   | Add the following note beneath Rule 3.6.6:<br><br><u>Note:</u><br><br><u>Where forestry quarrying is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.6.6 does not apply.</u>   |
| <u>Rules under 3.7</u><br><br>Prohibited Activities  | <u>3.7.1</u><br><br>Commercial forestry planting, carbon sequestration forestry planting (nonpermanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.<br><br><u>3.7.2</u><br><br>Planting Lodgepole pine (Pinus contorta)<br><br><u>3.7.3</u><br><br>Carbon sequestration forestry (permanent) harvesting | Prohibited activity Rules 3.7.1 and 3.7.2 within the pMEP manage activities that are also managed under the NES-PF, and the activity status is more restrictive than the provisions within NES-PF.<br><br>Rule 3.7.2 manages the Planting Lodgepole pine (Pinus contorta) whether it is planting managed under the NES-PF or not. Where the activity does not relate to activities managed under the NES-PF these provisions can be retained.<br><br>Rule 3.7.3 only applies to permanent carbon sequestration forestry, which by definition is planting that will never be harvested. As such, it does not fall within the definition of plantation forestry and the NES-PF does not apply to it. Therefore it does not conflict with or duplicate the NES-PF. For completeness it is noted that if the harvesting of carbon sequestration forestry is proposed, then by definition it is then considered non-permanent, and therefore considered to be commercial forestry harvesting when it is harvested, and the regulations in the NES-PF and pMEP relating to harvesting would apply (rather than Rule 3.7.3). | Rule 3.7.1 currently applies to all commercial forestry planting and carbon sequestration forestry planting (non-permanent). The circumstances where provisions are able to be more restrictive do not apply in all cases. However, Regulation 6(1)(b) 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 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.<br><br>As such, it is recommended that Rule 3.7.1 be amended so that in relation to commercial forestry planting and carbon sequestration forestry planting (non permanent), it only applies where the planting is on land identified as Steep Erosion-Prone and where within the coastal environment. As the rule also applies to woodlot forestry, we recommend that it is split so that the prohibited activity for woodlot forestry planting in Steep Erosion-Prone Land is retained.<br><br>We also note that the Rule 3.7.2 must be amended as it is more restrictive than the provisions within NES-PF and does not fall within the circumstances within which the rules can be more stringent. We recommend that a note be added to Rule 3.7.2, explaining the planting of | Amend Rule 3.7.1 as follows:<br><br><u>3.7.1(a)</u><br><br>Commercial forestry planting, <u>and</u> carbon sequestration forestry planting (non permanent) <u>within the coastal environment or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, or carbon sequestration (non-permanent) or woodlot forestry.</u><br><br><u>3.7.1(b)</u><br><br><u>Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.</u><br><br><u>3.7.2</u><br><br>Planting Lodgepole pine (Pinus contorta).<br><br><u>Note:</u><br><br><u>Where the planting of Lodgepole pine (Pinus contorta) is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.7.2 does not apply</u> |



| Rule | Rule | What is area of conflict or duplication? | Does NESPF allow more stringent rule?   | Amendment recommended (identified as <b>red-strikeout</b> or <b>red underlined</b> ) |
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|      |      |  | Lodgepole pine (Pinus contorta) that is managed under the National Environmental Standards for Plantation Forestry 2017, and Rule 3.7.2 does not apply. |  |

## Chapter 4: Coastal Environment Zone

| Rule #  | Rule   | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended (identified as <b>red-strikeout</b> or <b>red underlined</b> )  |
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| <p><u>Rule 4.1.6.</u></p> <p>Commercial forestry replanting</p> <p>4.3.6</p> <p>Standards that apply to specific permitted activities</p>   | <p><u>4.3.6 Commercial forestry replanting</u></p> <p><u>4.3.6.1.</u></p> <p>Replanting must not be in, or within:</p> <p>(a) 8 metres of a river (except an ephemeral river) or lake;</p> <p>(b) 8m of a Significant Wetland;</p> <p>(c) 30 metres of the coastal marine area.</p> <p><u>4.3.6.2.</u></p> <p>Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p>    | <p>Under the NES-PF, afforestation and replanting are permitted, subject to meeting conditions that include various setbacks.</p> <p>The definitions of 'afforestation', 'replanting' and 'plantation forestry' in the NES-PF are such that all planting activities within the pMEP will fall within the definition of 'Commercial forestry' within the pMEP and therefore Rule 4.1.6 and its associated standards duplicate and in some cases conflict with the NES-PF.</p>  | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>- Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>- The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> <li>- Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF).</li> </ul> <p>Standards 4.3.6.1 (b) and (c) and 4.3.6.2 can therefore be retained within the MEP.</p> <p>As such, it is recommended that Permitted Standard 4.3.6.1(a) is removed from the MEP, and all other provisions that manage commercial forestry replanting activities are retained as they are able to be more stringent than the NES-PF.</p> | <p>Amend the Standards under Heading 4.3.6 as follows:</p> <p><u>Permitted Standards</u></p> <p><u>4.3.6.1.</u></p> <p>Replanting must not be in, or within:</p> <p><del>(a) 8 metres of a river (except an ephemeral river) or lake;</del></p> <p>(b) 8m of a Significant Wetland;</p> <p>(c) 30 metres of the coastal marine area.</p> <p><u>4.3.6.2.</u></p> <p>Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply</p> |
| <p><u>Rule 4.1.10</u></p> <p>Indigenous Vegetation Clearance</p> <p>4.3.10</p> <p>Standards that apply to specific permitted activities</p> | <p><u>4.3.10 Indigenous Vegetation Clearance</u></p> <p><u>4.3.10.1.</u></p> <p>Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).</p> <p><u>4.3.10.2.</u></p> <p>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):</p> <p>(a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;</p> <p>(b) indigenous vegetation dominated by manuka, kanuka,</p> | <p>Under the NES-PF, indigenous vegetation clearance is permitted, subject to meeting conditions.</p> <p>'Indigenous vegetation clearance' is not defined in the NES-PF, but a definition of 'indigenous vegetation' and 'vegetation clearance' is provided. It is considered the definition of 'indigenous vegetation' and 'vegetation clearance' is similar between the pMEP and NES-PF.</p> <p>As a result, the majority of standards in 4.3.10 would currently apply to indigenous vegetation clearance activities associated with forestry which are managed under the NES-PF.</p> | <p>There are a number of permitted standards in pMEP 4.3.10 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF.</p> <p>Provisions relating to significant natural areas are able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF.</p> <p>The NES defines significant natural areas as:</p> <p><i>an area of significant indigenous vegetation or significant habitat of indigenous fauna that—</i></p> <p>(a) <i>is identified in a regional policy statement or a regional or district plan as significant, however described; and</i></p>  | <p>Amend Rule 4.1.10 as follows:</p> <p><u>4.1.10. Indigenous vegetation clearance, including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Amend the Standards under Heading 4.3.10 as follows:</p> <p><u>4.3.10.2.</u></p> <p>The clearance of indigenous vegetation in the following circumstances is exempt from</p>   |

| Rule # | Rule   | What is area of conflict or duplication? | Does NESPF allow more stringent rule?  | Amendment recommended (identified as <del>red-strikeout</del> or <u>red underlined</u> )   |
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|        | <p><i>tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</i></p> <p><i>(c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</i></p> <p><i>(d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;</i></p> <p><i>(e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.</i></p> <p><u>4.3.10.3.</u></p> <p><i>Clearance of indigenous vegetation must not occur:</i></p> <p><i>(a) on a Threatened Environments – Indigenous Vegetation Site;</i></p> <p><i>(b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.</i></p> <p><u>4.3.10.4.</u></p> <p><i>Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:</i></p> <p><i>(a) duneland vegetation;</i></p> <p><i>(b) coastal grassland;</i></p> <p><i>(c) coastal flaxlands;</i></p> <p><i>(d) coastal vegetation dominated by (making up &gt;50% of the canopy cover) wharariki/coastal flax (Phormium cookianum);</i></p> <p><i>(e) coastal broadleaved shrubland;</i></p> <p><i>(f) coastal small-leaved shrubland;</i></p> <p><i>(g) coastal salt turf;</i></p> <p><i>(h) coastal speargrass herbfield.</i></p> <p><u>4.3.10.5.</u></p> <p><i>Clearance of indigenous forest must not exceed 1,000m<sup>2</sup> per Computer Register in any 5 year period.</i></p> <p><u>4.3.10.6.</u></p> |  | <p><i>(b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria</i></p> <p>The only areas of the MEP that achieve this definition are the significant wetlands and Ecologically Significant Marine Sites which are mapped within the MEP. As such, Standard 4.3.10.3(b) is able to be more stringent than the NES-PF.</p> <p>Provisions relating the coastal marine area are able to be more stringent than the NES-PF in accordance with Regulation 6(1)(b) if the rule gives effect to Policies 11 or 22 of the NZCPS. Policy 11 of the NZCPS relates to indigenous biological diversity and Policy 22 relates to sedimentation. As such, Permitted Standards 4.3.10.3(b) (in addition to stringency that is enabled under Regulation 6(2)(b) of the NES-PF) and 4.3.10.4 are able to be more stringent than the NES-PF as they give effect to the direction set out within Policies 11 and 22 of the NZCPS and should continue to manage forestry activities.</p> <p>As such, permitted standards 4.3.10.3(b) and 4.3.10.4 are able to be more stringent than the NES-PF as they give effect to the direction set out within Policies 11 and 22 of the NZCPS and can continue to manage forestry activities.</p> <p>As Rule 4.1.10 manages indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 4.1.10 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 4.3.10 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Standards 4.3.10.3 to 4.3.10.6 (inclusive):</p> <p><i>(a) indigenous vegetation under or within 50m of <del>commercial forest</del>, woodlot forest or shelter belt;</i></p> <p>Add the following note beneath Rule 4.3.10:</p> <p><u>Note:</u></p> <p><u>Permitted Activity standards 4.3.10.1, 4.3.10.3, 4.3.10.3(a), 4.3.10.5, and 4.3.10.6 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.</u></p> |

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|   | <p>Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2,000m<sup>2</sup> in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(b) 10,000m<sup>2</sup> in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:</p> <p>(i) 500m<sup>2</sup> of indigenous sub-alpine vegetation;</p> <p>(ii) 100m<sup>2</sup> of tall tussock of the genus <i>Chinochloa</i>.</p>  |   |   |   |
| <p><u>Heading 4.2</u></p> <p>Standards that apply to all permitted activities</p> <p>4.2.2 Noise</p>  | <p><u>4.2.2 Noise</u></p> <p><u>4.2.6 Dust</u></p>   | <p>The standards in 4.2 of the pMEP apply to all permitted activities and therefore apply to all permitted forestry activities within the pMEP. Two of these standards (noise and dust) are also managed under the NES-PF. The permitted standards in the pMEP for noise and dust differ from those in the NES-PF.</p>  | <p>The circumstances set out in Regulation 6 where more stringent rules may be included or retained in the pMEP are not met here. Accordingly, we recommend a note be added under the Heading 4.1 Permitted Activities.</p>   | <p>Add the following under Heading 4.1 Permitted Activities:</p> <p><i>Unless expressly limited elsewhere by rule a 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, <u>except that for commercial forestry replanting the standards in 4.2 do not apply.</u></i></p>   |
| <p><u>Rule 4.1.11</u></p> <p>Non-indigenous Vegetation Clearance</p> <p>4.3.11</p> <p>Standards that apply to specific permitted activities</p> | <p><u>4.3.11 Non-indigenous Vegetation Clearance</u></p> <p><u>4.3.11.1.</u></p> <p>Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.</p> <p><u>4.3.11.2.</u></p> <p>Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p><u>4.3.11.3.</u></p> <p>Vegetation clearance must not be in, or within 8m of a Significant Wetland.</p> <p><u>4.3.11.4.</u></p> <p>Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>4.3.11.5.</u></p> <p>All trees must be felled away from a river (except an</p> | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>The definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP.</p> <p>As a result, Standard 4.3.11 duplicates and in some cases conflicts with the NES-PF.</p> | <p>There are a number of permitted standards in 4.3.11 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and</li> <li>The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> </ul> <p>As such, all or part of Standards 4.3.11.2; 4.3.11.3; 4.3.11.4; 4.3.11.5; 4.3.11.6; 4.3.11.7; 4.3.11.10 and 4.3.11.11 are able to be more stringent than the NES-PF in relation to these matters.</p> <p>There are several permitted activity standards for Rule 4.1.11 where a portion of the standard is able to be more stringent than the NES-PF, while the other portion is not.</p> <p>As Rule 4.1.11 manages non-indigenous</p> | <p>Amend Rule 4.1.11 as follows:</p> <p><i>4.1.11. Non-indigenous Vegetation Clearance, <u>including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></i></p> <p>Add the following note beneath Heading 4.3.11:</p> <p><i><u>Where non-indigenous vegetation clearance is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 4.3.11.1, 4.3.11.8 and 4.3.11.9 do not apply, and Standards 4.3.11.2, 4.3.11.5, 4.3.11.6, 4.3.11.7, 4.3.11.10 and 4.3.11.11 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. Standards 4.3.11.3 and 4.3.11.5 do apply.</u></i></p> |

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|        | <p><i>ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>4.3.11.6.</u></p> <p><i>No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.</i></p> <p><u>4.3.11.7.</u></p> <p><i>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>4.3.11.8.</u></p> <p><i>On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.</i></p> <p><u>4.3.11.9.</u></p> <p><i>The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.</i></p> <p><u>4.3.11.10.</u></p> <p><i>Woody material greater than 100mm in diameter and soil debris must:</i></p> <p><i>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;</i></p> <p><i>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</i></p> <p><i>(c) be stored on stable ground;</i></p> <p><i>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</i></p> <p><u>4.3.11.11.</u></p> <p><i>Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the</i></p> |  | <p>vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 4.1.11 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 4.3.11 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> |  |

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|  | <p><i>Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</i></p> <p><i>(c) the change in reflectance must be &lt;50%.</i></p>  |  |  |   |
| <p><i>Rule 4.1.12</i></p> <p><i>Cultivation</i></p> <p><i>4.3.12</i></p> <p><i>Standards that apply to specific permitted activities</i></p> | <p><u>4.3.12 Cultivation</u></p> <p><u>4.3.12.1.</u></p> <p><i>On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.</i></p> <p><u>4.3.12.2.</u></p> <p><i>On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.</i></p> <p><u>4.3.12.3.</u></p> <p><i>On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.</i></p> <p><u>4.3.12.4.</u></p> <p><i>Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.</i></p> <p><u>4.3.12.5.</u></p> <p><i>On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.</i></p> <p><u>4.3.12.6.</u></p> <p><i>Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the</i></p> | <p>Under the NES-PF, 'mechanical land preparation' is permitted, subject to meeting conditions.</p> <p>The definition of 'mechanical land preparation' within the NES-PF covers all of the same activities as the definition of 'cultivation' within the pMEP. Some of the permitted standards associated with 'cultivation' in the pMEP will be superseded by the NES-PF for mechanical land preparation in related to plantation forestry.</p> <p>As a result, Rule 4.1.12 and related standards duplicates and in some cases conflicts with the NES-PF.</p> | <p>There are a number of permitted standards in 4.3.12 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>• Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>• The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.); and</li> </ul> <p>As such, all or part of Standards 4.3.12.2; 4.3.12.3; 4.3.12.4; and 4.3.12.6 are able to be more stringent than the NES-PF.</p> <p>There are several permitted activity standards for Rule 4.1.12 where a portion of the standard is able to be more stringent than the NES-PF, while the other portion is not.</p> <p>As Rule 4.1.12 manages indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 4.1.12 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 4.3.12 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 4.1.12 as follows:</p> <p><i>4.1.12 Cultivation <u>including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></i></p> <p>Add the following note beneath Heading 4.3.12:</p> <p><i><u>Where cultivation is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 4.3.12.1 and 4.3.12.5 do not apply, and Standards 4.3.12.2, 4.3.12.4 and 4.3.12.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.</u></i></p> |

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|  | <p>cultivation site;</p> <p>(c) the change in reflectance must be &lt;50%.</p>  |  |   |   |
| <p><u>Rule 4.1.13</u></p> <p>Excavation</p> <p>4.3.13</p> <p>Permitted Standards that apply to specific permitted activities</p> | <p><u>4.3.13 Excavation</u></p> <p><u>4.3.13.1.</u></p> <p>Excavation in excess of 1000m<sup>3</sup> must not occur on any land with a slope greater than 20° within any 24 month period.</p> <p><u>4.3.13.2.</u></p> <p>Excavation must not occur on any land with a slope greater than 35°.</p> <p><u>4.3.13.3.</u></p> <p>Excavation must not be in, or within:</p> <p>(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;</p> <p>(b) 8m of a Significant Wetland;</p> <p>(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.</p> <p><u>4.3.13.4.</u></p> <p>Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>4.3.13.5.</u></p> <p>Excavation must not be within a Level 2 or 3 Flood Hazard Area.</p> <p><u>4.3.13.6.</u></p> <p>There must be no excavation in excess of 500m<sup>3</sup> per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.</p> <p><u>4.3.13.7.</u></p> <p>Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</p> | <p>Under the NES-PF, 'earthworks' are permitted, subject to meeting conditions.</p> <p>Given the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of 'Excavation' within the pMEP some of the permitted standards associated with 'Excavation' within the pMEP will be superseded by the NES-PF for activities related to plantation forestry.</p> <p>As a result, Rule 4.1.13 and related standards would currently apply to excavation associated with forestry which is managed under the NES-PF.</p> | <p>There are a number of permitted standards in 4.3.13 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>• Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>• Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF);</li> <li>• The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policies 15 and 22 of the NZCPS.); and</li> <li>• An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF).</li> </ul> <p>As such, all or part of Standards 4.3.13.3(a) and (b); 4.3.13.4; 4.3.13.6; 4.3.13.7 and 4.3.13.10 are able to be more stringent than the NES-PF.</p> <p>Standards 4.3.13(c) and 4.3.13.5 manage effects not included in the NES-PF regulations relating to: earthworks and potential effects on the structural integrity of stopbanks: and the effects of earthworks within flood hazard areas. In accordance with Section 43A(5)(b) of the RMA, the terms or conditions specified in the pMEP may only deal with effects that are different to those specified in the NES-PF. As such, Standards 4.3.13(c) and 4.3.13.5 can be retained as it manages an effect that is not addressed under the NES-PF.</p> <p>As Rule 4.1.13 manages excavation more broadly (not just that managed under the NES-PF) we recommend that Rule 4.1.13 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 4.3.13 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 4.1.13 as follows:</p> <p><u>4.1.13. Excavation, including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Add the following note beneath Heading 4.3.13:</p> <p><u>Note:</u></p> <p><u>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.8 and 4.3.13.9 do not apply, and Standards 4.3.13.3(a), 4.3.13.7 and 4.3.13.10 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. All other Standards, or parts thereof, do apply.</u></p> |

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|   | <p><u>4.3.13.8.</u></p> <p>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.</p> <p><u>4.3.13.9.</u></p> <p>Water control measures and sediment control measures must be designed, constructed and maintained in a area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.</p> <p><u>4.3.13.10.</u></p> <p>Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;</p> <p>(c) the change in reflectance must be &lt;50%.</p> |   |  |  |
| <p><i>Rule 4.6</i></p> <p><i>Discretionary Activities</i></p> | <p><u>4.6.1</u></p> <p>Any activity provided as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.</p> <p><u>4.6.3.</u></p> <p>Commercial forestry planting.</p> <p><u>4.6.4.</u></p> <p>Commercial forestry harvesting.</p>  | <p><u>4.6.1</u></p> <p>The discretionary activity Rule 4.6.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the pMEP can be retained.</p> <p><u>4.6.3 &amp; 4.6.4</u></p> <p>The discretionary activity Rules 4.6.3 and 4.6.4 within the pMEP would include commercial forestry planting and harvesting activities that may be more stringent than the provisions within NES-PF (when it relates to matters raised in Regulation 6 of the NES-PF). However, the discretionary activity rules will also allow for broader consideration of commercial forestry planting and harvesting activities, where such considerations are superseded by the provisions within NES-PF.</p> <p><u>4.6.6</u></p> <p>The pMEP does not define 'quarrying' or 'mineral extraction'. A definition of 'forestry quarrying' is</p> | <p>We do not recommend any amendments to Rule 4.6.1.</p> <p>In relation to Rules 4.6.3 and 4.6.4, we recommend that the discretionary activity rules be removed, and new restricted discretionary activity rules replace them.</p> <p>It is then recommended that the matters of discretion associated with the RDA rules include the matters listed within Regulation 6 of the NES-PF related to the protection of: significant wetlands, drinking water supplies, sedimentation within the coastal environment, and outstanding natural features or landscapes. We consider these amendments will ensure that forestry and harvesting activities within the Coastal Environment Zone will only be able to be considered by the Council in relation to the matters or circumstances listed within Regulation 6 of the NES-PF, and other matters such as</p> | <p>Amend Rules 4.6.3 and 4.6.4 as follows:</p> <p><del>4.6.3</del> <u>4.5.3</u></p> <p>Commercial forestry planting</p> <p><u>Matters over which the Council has restricted its discretion:</u></p> <p><u>4.5.3.1 Effects on significant wetlands</u></p> <p><u>4.5.3.2 Effects of sedimentation</u></p> <p><u>4.5.3.3 The effects on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.</u></p> <p><u>4.5.3.4 Effects on any drinking water supply registered under Section 69J of the Health Act 1956.</u></p> <p><del>4.6.4.</del> <u>4.5.4</u></p> <p>Commercial forestry harvesting.</p> |

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|  | <p><u>4.6.6.</u><br/>Quarrying and mineral extraction</p>  | <p>included in the NES-PF and standards provide a permitted, controlled or restricted discretionary activity status.</p>   | <p>wilding tree spread will not be able to be considered within the consent process.</p> <p><u>4.6.6</u></p> <p>The circumstances where more stringent standards may be included/retained in the pMEP are not applicable as the terms are not consistent. Accordingly, we recommend the following note is included below the discretionary activity rule.</p>  | <p><u>Matters over which the Council has restricted its discretion:</u></p> <p><u>4.5.4.1 Effects on significant wetlands</u></p> <p><u>4.5.4.2 Effects of sedimentation</u></p> <p><u>4.5.4.3 The effects on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.</u></p> <p><u>4.5.4.4 Effects on any drinking water supply registered under Section 69J of the Health Act 1956.</u></p> <p>We recommend the following note is included below discretionary activity Rule 4.6.6:</p> <p><u>Note:</u></p> <p><u>Where quarrying is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.6.6 does not apply.</u></p> |
| <p><u>Rule 4.7</u><br/><br/><i>Prohibited Activities</i></p> | <p><u>4.7.1.</u><br/><i>Commercial forestry planting, carbon sequestration forestry planting (nonpermanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.</i></p> <p><u>4.7.2.</u><br/><i>The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.</i></p> <p><u>4.7.3.</u><br/><i>Planting Lodgepole pine (Pinus contorta).</i></p> | <p>Prohibited activity rules 4.7.1, 4.7.2, and 4.7.3 within the pMEP are more restrictive than the provisions within NES-PF.</p> <p>Rule 4.7.3 manages the planting of Lodgepole pine (Pinus contorta) whether it is planting managed under the NES-PF or not. Where the activity does not relate to activities managed under the NES-PF these provisions can be retained.</p> | <p>Regulation 6(1)(b) allows the MEP to be more stringent than the NES-PF when the provisions give effect to Policy 22 of the NZCPS. Rule 4.7.1 and 4.7.2 are considered to give effect to the direction in Policy 22 to require that use and development not result in a significant increase in sedimentation in the CMA, and to control the impacts of harvesting plantation forestry on sedimentation within the coastal environment, because the rules apply to areas (Steep Erosion-Prone land) where it has been identified that there is a high risk of these effects arising.</p> <p>As such, Rules 4.7.1 and 4.7.2 can be retained as all commercial forestry planting, and carbon sequestration forestry planting (non permanent) on land identified as Steep Erosion-Prone Land is considered to be giving effect to Policy 22 of the NZCPS.</p> <p>We also note that the Rule 4.7.3 must be amended as it is more restrictive than the provisions within NES-PF and does not fall within the circumstances within which the rules can be more stringent. We recommend that a note be added to Rule 4.7.3, explaining that where the planting of Lodgepole pine (Pinus contorta) is managed under the NES-PF, Rule 4.7.3 does not apply.</p> | <p>Retain Rules 4.1.7 and 4.7.2.</p> <p>Add the following note beneath Rule 4.7.3:</p> <p><u>4.7.3.</u><br/><i>Planting Lodgepole pine (Pinus contorta).</i></p> <p><u>Note:</u></p> <p><u>Where the planting of Lodgepole pine (Pinus contorta) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.7.3 does not apply.</u></p>  |



## Chapter 7: Coastal Living Zone

| Rule #  | Rule   | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?   | Amendment recommended  |
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| <p><u>Rule 7.1.9</u></p> <p><i>Indigenous vegetation clearance</i></p> <p>7.3.7</p> <p><i>Standards that apply to specific permitted activities</i></p> | <p><u>7.3.7 Indigenous vegetation clearance</u></p> <p><u>7.3.7.1.</u></p> <p><i>Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.11 (inclusive).</i></p> <p><u>7.3.7.2.</u></p> <p><i>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 7.3.7.3 to 7.3.7.6 (inclusive):</i></p> <p>(a) <i>indigenous vegetation under or within 50m of commercial forest or shelter belt;</i></p> <p>(b) <i>indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</i></p> <p>(c) <i>indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</i></p> <p>(d) <i>where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;</i></p> <p>(e) <i>where the clearance is on a Threatened Environments – Indigenous Vegetation Site and that clearance is within the curtilage of a dwelling.</i></p> <p><u>7.3.7.3.</u></p> <p><i>Clearance of indigenous vegetation must not occur:</i></p> <p>(a) <i>on a Threatened Environments – Indigenous Vegetation Site;</i></p> <p>(b) <i>on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.</i></p> <p><u>7.3.7.4.</u></p> <p><i>Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:</i></p> <p>(a) <i>duneland vegetation;</i></p> | <p>Under the NES-PF, indigenous vegetation clearance is permitted, subject to meeting conditions.</p> <p>'Indigenous vegetation clearance' is not defined in the NES-PF, but a definition of 'indigenous vegetation' and 'vegetation clearance' is provided. It is considered the definition of 'indigenous vegetation' and 'vegetation clearance' is similar between the pMEP and NES-PF.</p> <p>As a result, the majority of standards in 7.3.7 would currently apply to indigenous vegetation clearance activities associated with forestry which are managed under the NES-PF.</p> | <p>There are a number of permitted standards in 7.3.7 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF.</p> <p>Provisions relating to significant natural areas are able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF).</p> <p>The NES defines significant natural areas as:</p> <p><i>an area of significant indigenous vegetation or significant habitat of indigenous fauna that—</i></p> <p>(a) <i>is identified in a regional policy statement or a regional or district plan as significant, however described; and</i></p> <p>(b) <i>is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria</i></p> <p>The only areas of the MEP that meet this definition are the significant wetlands and Ecologically Significant Marine Sites which are mapped within the MEP. As such, standard 7.3.7.3(b) is able to be more stringent than the NES-PF.</p> <p>Provisions relating to the coastal marine area are able to be more stringent than the NES-PF in accordance with Regulation 6(1)(b) if the rule gives effect to Policies 11 or 22 of the NZCPS. Policy 11 of the NZCPS relates to indigenous biological diversity and Policy 22 relates to sedimentation. As such, Permitted Standards 7.3.7.3(b) (in addition to stringency that is enabled under Regulation 6(2)(b) of the NES-PF) and 7.3.7.4 are able to be more stringent than the NES-PF as they give effect to the direction set out within Policies 11 and 22 of the NZCPS and should continue to manage forestry activities.</p> <p>As Rule 7.1.9 manages indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 7.1.9 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 7.3.7 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 7.1.9 as follows:</p> <p><i>7.1.9 Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Amend Standard 7.3.7.2 as follows:</p> <p><u>7.3.7.2</u></p> <p><i>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 7.3.7.3 to 7.3.7.6 (inclusive).</i></p> <p>ii. <i>under or within 50m of <del>commercial forest</del>, woodlot forest or shelter belt;</i></p> <p>Add the following note beneath Heading 7.3.7:</p> <p><u>Note:</u></p> <p><i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards, 7.3.7.2, 7.3.7.3(a), 7.3.7.5 and 7.3.7.6 do not apply.</i></p> |

| Rule #   | Rule   | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended  |
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|  | <p>(b) coastal grassland;</p> <p>(c) coastal flaxlands;</p> <p>(d) coastal vegetation dominated by (making up &gt;50% of the canopy cover) wharariki/coastal flax (<i>Phormium cookianum</i>);</p> <p>(e) coastal broadleaved shrubland; (f) coastal small-leaved shrubland;</p> <p>(g) coastal salt turf;</p> <p>(h) coastal speargrass herbfield.</p> <p><u>7.3.7.5.</u></p> <p>Clearance of indigenous forest must not exceed 1,000m<sup>2</sup> per Computer Register in any 5 year period.</p> <p><u>7.3.7.6.</u></p> <p>Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2,000m<sup>2</sup> in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(b) 10,000m<sup>2</sup> in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:</p> <p>(i) 500m<sup>2</sup> of indigenous sub-alpine vegetation;</p> <p>(ii) 100m<sup>2</sup> of tall tussock of the genus <i>Chinochloa</i>.</p> |   |  |  |
| <p><u>Rule 7.1.10</u></p> <p>Non-indigenous vegetation clearance</p> <p>7.3.8</p> <p>Standards that apply to specific permitted activities</p> | <p><u>7.3.8 Non-indigenous vegetation clearance</u></p> <p><u>7.3.8.1.</u></p> <p>Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.</p> <p><u>7.3.8.2.</u></p> <p>Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p><u>7.3.8.3.</u></p> <p>Within, or within 8 metres of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation</p>  | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>The definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP.</p> <p>As a result, Rule 7.1.10 and related standards duplicate and in some cases conflict with the NES-PF.</p> | <p>There are a number of permitted standards in 7.3.8 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and</li> <li>The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.)</li> </ul> <p>As such, all or part of Standards 7.3.8.2; 7.3.8.3; 7.3.8.4; 7.3.8.5; 7.3.8.6; 7.3.8.7; 7.3.8.10(a) and (b) and 7.3.8.11 are able to be more stringent</p> | <p>Amend Rule 7.1.10 as follows:</p> <p><u>7.1.10 Non-Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Add the following note beneath Standard 7.3.8:</p> <p><u>Where non-indigenous vegetation clearance is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 7.3.8.1, 7.3.8.8, 7.3.8.9 do not apply, and Standards 7.3.8.2, 7.3.8.5, 7.3.8.6, 7.3.8.7, 7.3.8.10 and 7.3.8.11 only apply to the extent that they relate to Significant Wetlands and the coastal</u></p> |

| Rule # | Rule   | What is area of conflict or duplication? | Does NESPF allow more stringent rule?  | Amendment recommended   |
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|        | <p><i>that may be removed. Any vegetation removed under this standard must only be done by non-mechanical means.</i></p> <p><u>7.3.8.4.</u></p> <p><i>Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</i></p> <p><u>7.3.8.5.</u></p> <p><i>All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>7.3.8.6.</u></p> <p><i>No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.</i></p> <p><u>7.3.8.7.</u></p> <p><i>Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>7.3.8.8.</u></p> <p><i>On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.</i></p> <p><u>7.3.8.9.</u></p> <p><i>The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.</i></p> <p><u>7.3.8.10.</u></p> <p><i>Woody material greater than 100mm in diameter or soil debris must:</i></p> <p><i>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;</i></p> <p><i>(a) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</i></p> |  | <p>than the NES-PF.</p> <p>There are several permitted activity standards in 7.3.8 where a portion of the standard is able to be more stringent than the NES-PF, while the other portion is not.</p> <p>As Rule 7.1.10 manages non-indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 7.1.10 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 7.3.8 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p><del><i>marine area. All other Standards do apply.</i></del></p> |

| Rule #  | Rule   | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended  |
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|   | <p><i>(b) be stored on stable ground;</i></p> <p><i>(c) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</i></p> <p><u>7.3.8.11.</u></p> <p><i>Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</i></p> <p><i>(c) the change in reflectance must be &lt;50%.</i></p>  |   |   |  |
| <p><i>Rule 7.1.11</i></p> <p><i>Excavation or Filling</i></p> <p><i>7.3.9</i></p> <p><i>Standards that apply to specific permitted activities</i></p> | <p><u>7.3.9 Excavation or Filling</u></p> <p><u>7.3.9.1.</u></p> <p><i>Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.</i></p> <p><u>7.3.9.2.</u></p> <p><i>Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.</i></p> <p><u>7.3.9.3.</u></p> <p><i>The maximum volume for excavation must not exceed 50m<sup>3</sup> per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.</i></p> <p><u>7.3.9.4.</u></p> <p><i>The maximum volume for filling must not exceed 50m<sup>3</sup> per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.</i></p> <p><u>7.3.9.5.</u></p> <p><i>Excavation must not occur on any land with a slope greater than 10°.</i></p> <p><u>7.3.9.6.</u></p> <p><i>Excavation must not intercept groundwater or cause any</i></p> | <p>The NES-PF defines 'earthworks' and 'fill' and provides permitted activity conditions that must be met for the activity to be considered permitted. The permitted activity standards require operators to notify council, provide a forest earthworks management plan, maintain setbacks and provide measures to mitigate sediment and stormwater controls and stabilisation.</p> <p>Where the permitted activity standards are unable to be met, the activity must be considered a controlled or restricted discretionary activity.</p> <p>While covered under the same rule, the pMEP defines 'excavation' and 'filling' separately. The definitions are generally consistent with those in the NES-PF. As such, the Standards under 7.3.9 duplicate and in some cases conflict with the NES-PF.</p> | <p>There are some permitted standards under Heading 7.3.9 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. Standard 7.3.9.7 relates to the protection of Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF).</p> <p>As such, part of Standard 7.3.9.7 is able to be more stringent than the NES-PF.</p> <p>Standards 7.3.9.1 and 7.3.9.2 manage effects not included in the NES-PF regulations relating to: earthworks and potential effects on the structural integrity of stopbanks; and the effects of earthworks within flood hazard areas. In accordance with Section 43A(5)(b) of the RMA, the terms or conditions specified in the pMEP may only deal with effects that are different to those specified in the standard. As such, Standards 7.3.9.1 and 7.3.9.2 can be retained as they manage effects that are not addressed under the NES-PF.</p> <p>As Rule 7.1.11 manages excavation and filling more broadly (not just that managed under the NES-PF) we recommend that Rule 7.1.11 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 7.3.9 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 7.1.11 as follows:</p> <p><i>7.1.11. Excavation or Filling, including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following note beneath Heading 7.3.9:</p> <p><i>Note:</i></p> <p><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 7.3.9.14 do not apply and Standard 7.3.9.1 applies and Standard 7.3.9.7 only applies to the extent that it relates to Significant Wetlands.</i></p> |

| Rule # | Rule  | What is area of conflict or duplication? | Does NESPF allow more stringent rule? | Amendment recommended |
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|        | <p><i>ponding of surface run-off.</i></p> <p><u>7.3.9.7.</u></p> <p><i>Excavation and filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.</i></p> <p><u>7.3.9.8.</u></p> <p><i>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.</i></p> <p><u>7.3.9.9.</u></p> <p><i>A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.</i></p> <p><u>7.3.9.10.</u></p> <p><i>Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill area must not be less than 300mm.</i></p> <p><u>7.3.9.11.</u></p> <p><i>Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.</i></p> <p><u>7.3.9.12.</u></p> <p><i>For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.</i></p> <p><u>7.3.9.13.</u></p> <p><i>Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.</i></p> <p><u>7.3.9.14.</u></p> <p><i>The fill must not contain any:</i></p> <p><i>(a) hazardous substances;</i></p> <p><i>(b) combustible or organic materials;</i></p> <p><i>(c) any other contaminant subject to chemical or biological</i></p> |  |                                       |                       |

| Rule #   | Rule   | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended   |
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|  | <i>breakdown;</i><br><br><i>(d) liquids or sludge.</i>   |   |  |   |
| <u>Rule 7.4.1</u><br><br><i>Discretionary Activities</i> | <u>7.4.1</u><br><br><i>Any activity provided for as a Permitted Activity that does not meet the applicable standards.</i>  | The discretionary activity Rule 7.4.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the MEP can be retained.  | We do not recommend any amendments to Rule 7.4.1.  | No amendments recommended.  |
| <u>Rule 7.5</u><br><br><i>Prohibited Activities</i>      | <u>7.5.1.</u><br><br><i>Commercial forestry planting, carbon sequestration forestry planting (nonpermanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.</i><br><br><u>7.5.2.</u><br><br><i>The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.</i><br><br><u>7.5.3.</u><br><br><i>Planting Lodgepole pine (Pinus contorta).</i> | Prohibited activity Rules 7.5.1 and 7.5.2 and 7.5.3 within the pMEP are more restrictive than the provisions within NES-PF.<br><br>Rule 7.5.3 manages the planting of Lodgepole pine (Pinus contorta) whether it is planting managed under the NES-PF or not. Where the activity does not relate to activities managed under the NES-PF these provisions can be retained. | Regulation 6(1)(b) allows the MEP to be more stringent than the NES-PF when the provisions give effect to Policy 22 of the NZCPS. Rule 7.5.1 and 7.5.2 are considered to give effect to the direction in Policy 22 to require that use and development not result in a significant increase in sedimentation in the CMA, and to control the impacts of planting and harvesting plantation forestry on sedimentation within the coastal environment, because the rules apply to areas (Steep Erosion-Prone land) where it has been identified that there is a high risk of these effects arising.<br><br>As such, Rules 7.5.1 and 7.5.2 can be retained as all commercial forestry planting, and carbon sequestration forestry planting (non permanent) on land identified as Steep Erosion-Prone Land is considered to be giving effect to Policy and 22 of the NZCPS.<br><br>We also note that the Rule 7.5.3 must be amended as it is more restrictive than the provisions within NES-PF and does not fall within the circumstances within which the rules can be more stringent. We recommend that a note be added to Rule 7.5.3, explaining that where the planting of Lodgepole pine (Pinus contorta) is managed under the NES-PF, Rule 7.5.3 does not apply. | Retain Rules 7.5.1 and 7.5.2.<br><br>Add the following note beneath Rule 7.5.3:<br><br><i>Note:</i><br><br><i>Where the planting of Lodgepole pine (Pinus contorta) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 7.5.3 does not apply.</i> |

## Chapter 8: Rural Living Zone

| Rule #  | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended      |
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| <u>Rule 8.1.11</u><br><br><i>Removal of vegetation</i><br><br><u>8.3.10</u> | <u>8.3.10 Removal of vegetation</u><br><br><u>8.3.10.1</u><br><br><i>Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation</i> | Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).<br><br>The definition of 'vegetation clearance' within the NES- | Standards can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF. Such standards include those related to the protection of Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF). | No amendments recommended. |

| Rule #  | Rule   | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended  |
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| Standards that apply to specific permitted activities   | removed, and plants must only be cleared by nonmechanical means.   | PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP. Therefore Rule 8.1.11 and related standard conflict or duplicate the regulations in the NES-PF.   | In this case, permitted activity standard 8.3.10.1 is able to be more stringent than the NES-PF due to Significant Wetlands being subject of the standard. As such we do not consider changes are required   |  |
| <p><u>Rule 8.1.12</u></p> <p>Excavation or filling</p> <p>8.3.11</p> <p>Standards that apply to specific permitted activities</p> | <p><u>8.3.11 Excavation or filling</u></p> <p><u>8.3.11.1.</u></p> <p>Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.</p> <p><u>8.3.11.2.</u></p> <p>Excavation or filling must not be within a Level 2 Flood Hazard Area.</p> <p><u>8.3.11.3.</u></p> <p>The maximum volume of excavation must not exceed 50m<sup>3</sup> per Computer Register must occur within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.</p> <p><u>8.3.11.4.</u></p> <p>The maximum volume of filling must not exceed 50m<sup>3</sup> per Computer Register must occur within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.</p> <p><u>8.3.11.5.</u></p> <p>No excavation or filling must occur on any land with a slope greater than 10°.</p> <p><u>8.3.11.6.</u></p> <p>Excavation must not intercept groundwater or cause any ponding of surface run-off.</p> <p><u>8.3.11.7.</u></p> <p>Excavation or filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.</p> <p><u>8.3.11.8.</u></p> <p>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the</p> | <p>The NES-PF defines 'earthworks' and 'fill' and provides permitted activity conditions that must be met for the activity to be considered permitted. The permitted activity standards require operators to notify council, provide a forest earthworks management plan, maintain setbacks and provide measures to mitigate sediment and stormwater controls and stabilisation.</p> <p>Where the permitted activity standards are unable to be met, the activity must be considered a controlled or restricted discretionary activity.</p> <p>While covered under the same rule, the pMEP defines 'excavation' and 'filling' separately. The definitions are generally consistent with those in the NES-PF. As such, Rule 8.3.11 duplicates and in some cases conflicts with the NES-PF.</p> | <p>There are some permitted standards that can be more stringent than the NES-PF in accordance with Regulation 6. Standard 8.3.11.7 which relates to the protection of Significant Wetlands is able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF.</p> <p>Standards 8.3.11.1 and 8.3.11.2 manage effects not included in the NES-PF regulations relating to: earthworks and potential effects on the structural integrity of stopbanks; and the effects of earthworks within flood hazard areas. In accordance with Section 43A(5)(b) of the RMA, the terms or conditions specified in the pMEP may only deal with effects that are different to those specified in the standard. As such, Standards 8.3.11.1 and 8.3.11.2 can be retained because they manage effects that are not addressed in the NES-PF.</p> <p>As Rule 8.1.12 manages excavation and filling more broadly (not just that managed under the NES-PF) we recommend that Rule 8.1.12 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 8.3.11. which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 8.1.12 as follows:</p> <p><i>8.1.12. Excavation or filling, including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following note beneath Rule 8.3.11:</p> <p><i>Note:</i></p> <p><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, and Standard 8.3.11.7 only applies to the extent that it relates to Significant Wetlands. All other Standards do apply.</i></p> |

| Rule #   | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?                    | Amendment recommended             |
|--|---|---|--|-----------------------------------|
|  | <p><i>excavation.</i></p> <p><u>8.3.11.9.</u></p> <p><i>A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.</i></p> <p><u>8.3.11.10.</u></p> <p><i>Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill areas must not be less than 300mm.</i></p> <p><u>8.3.11.11.</u></p> <p><i>Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.</i></p> <p><u>8.3.11.12.</u></p> <p><i>For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.</i></p> <p><u>8.3.11.13.</u></p> <p><i>Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.</i></p> <p><u>8.3.11.14.</u></p> <p><i>The fill must not contain any:</i></p> <p><i>(a) hazardous substances;</i></p> <p><i>(b) combustible or organic materials;</i></p> <p><i>(c) any other contaminant subject to chemical or biological breakdown;</i></p> <p><i>(d) liquids or sludge.</i></p> |   |  |                                   |
| <p><u>Heading 8.4</u></p> <p><i>Discretionary Activities</i></p> | <p><u>8.4.1</u></p> <p><i>Any activity provided for as a Permitted Activity that does not meet the applicable standards.</i></p>  | <p>Discretionary activity Rule 8.4.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the MEP can be retained.</p> | <p>We do not recommend any amendments to Rule 8.4.1.</p> | <p>No amendments recommended.</p> |



| Rule #  | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended   |
|---|---|---|---|---|
| <p><i>Heading 8.5</i></p> <p><i>Prohibited Activities</i></p> | <p><u>8.5.1.</u></p> <p><i>Commercial forestry planting, carbon sequestration forestry planting (nonpermanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.</i></p> <p><u>8.5.2.</u></p> <p><i>The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.</i></p> <p><u>8.5.3.</u></p> <p><i>Planting Lodgepole pine (Pinus contorta).</i></p> | <p>Prohibited activity Rules 8.5.1, 8.5.2, and 8.5.3 within the pMEP manage activities that are also managed under the NES-PF, and the activity status is more restrictive than the provisions within NES-PF.</p> <p>Rule 8.5.3 manages the planting of Lodgepole pine (Pinus contorta) whether forestry managed under the NES-PF or not. Where the activity does not relate to activities managed under the NES-PF these provisions can be retained.</p> | <p>Rules 8.5.1 and 8.5.2 currently apply to all commercial forestry planting, carbon sequestration forestry planting (non-permanent), and the harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land. The circumstances where provisions are able to be more restrictive do not apply in all cases. However, Regulation 6(1)(b) 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 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.</p> <p>As such, it is recommended that Rule 8.5.1 be amended so that in relation to commercial forestry planting and carbon sequestration forestry planting (non permanent), it only applies where the planting is on land identified as Steep Erosion-Prone and within the coastal environment. As the rule also applies to woodlot forestry, we recommend that it is split so that the prohibited activity for woodlot forestry planting in Steep Erosion-Prone Land is retained.</p> <p>In relation to Rule 8.5.2, is recommended that this rule be amended so that harvesting of commercial forestry it only applies where the harvesting is on land identified as Steep Erosion-Prone and where within the coastal environment. As the rule also applies to the harvesting of woodlot forestry plantings, we recommend that it is split so that the prohibited activity for harvesting woodlot forestry in Steep Erosion-Prone Land is retained.</p> <p>We also note that the Rule 8.5.3 must be amended as it is more restrictive than the provisions within NES-PF and does not fall within the circumstances within which the rules can be more stringent. We recommend that a note be added to Rule 8.5.3, explaining that where the planting of Lodgepole pine (Pinus contorta) is managed under the NES-PF, and Rule 8.5.3 does not apply.</p> | <p>Amend Rule 8.5.1 as follows:</p> <p><u>8.5.1(a)</u></p> <p><i>Commercial forestry planting, <del>and</del> carbon sequestration forestry planting (non permanent) <del>within the coastal environment or woodlot forestry planting</del> on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, <del>or</del> carbon sequestration (non-permanent) <del>or woodlot</del> forestry.</i></p> <p><u>8.5.1(b)</u></p> <p><i>Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.</i></p> <p><u>8.5.2(a)</u></p> <p><i>The harvesting of commercial forestry <del>within the coastal environment or woodlot forestry plantings</del> on land identified as Steep Erosion-Prone Land, which has not been lawfully established.</i></p> <p><u>8.5.2(b)</u></p> <p><i>The harvesting of woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.</i></p> <p><u>8.5.3</u></p> <p><i>Planting Lodgepole pine (Pinus contorta).</i></p> <p><u>Note:</u></p> <p><i>Where the planting of Lodgepole pine (Pinus contorta) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 8.5.3 does not apply</i></p> |

## Chapter 19: Open Space 3 Zone

| Rule #  | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended   |
|---|---|---|--|---|
| <p><u>Rule 19.1.5</u></p> <p>Indigenous vegetation clearance</p> <p>19.3.3</p> <p>Standards that apply to specific permitted activities</p> | <p><u>Indigenous vegetation clearance</u></p> <p><u>19.3.3.1.</u></p> <p>Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive).</p> <p><u>19.3.3.2.</u></p> <p>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 19.3.3.3 to 19.3.3.5 (inclusive):</p> <p>(a) Indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;</p> <p>(b) Indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</p> <p>(c) Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</p> <p>(d) Where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.</p> <p><u>19.3.3.3.</u></p> <p>Clearance of indigenous vegetation must not occur:</p> <p>(a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;</p> <p>(b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites.</p> <p><u>19.3.3.4.</u></p> <p>Clearance of indigenous forest must not exceed 1000m<sup>2</sup> per Computer Register in any 5 year period.</p> <p><u>19.3.3.5.</u></p> <p>Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2000m<sup>2</sup> in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(b) 10000m<sup>2</sup> in any 5 year period where the average canopy height is below 3m, except for the following species where clearance must not exceed:</p> | <p>Under the NES-PF, indigenous vegetation clearance is permitted, subject to meeting conditions.</p> <p>'Indigenous vegetation clearance' is not defined in the NES-PF, but a definition of 'indigenous vegetation' and 'vegetation clearance' is provided. It is considered the definition of 'indigenous vegetation' and 'vegetation clearance' is similar between the pMEP and NES-PF.</p> <p>As a result, the majority of standards in 19.3.3 would currently apply to indigenous vegetation clearance activities associated with forestry which are managed under the NES-PF.</p> | <p>There are a number of permitted standards in 19.3.3 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF.</p> <p>Provisions relating to significant natural areas are able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF.</p> <p>The NES defines significant natural areas as:</p> <p><i>an area of significant indigenous vegetation or significant habitat of indigenous fauna that—</i></p> <p>(a) is identified in a regional policy statement or a regional or district plan as significant, however described; and</p> <p>(b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria</p> <p>The only areas of the MEP that meet this definition are the significant wetlands and Ecologically Significant Marine Sites which are mapped within the MEP. As such, standard 19.3.3(b) is able to be more stringent than the NES-PF.</p> <p>Provisions relating the coastal marine area are able to be more stringent than the NES-PF in accordance with Regulation 6(1)(b) if the rule gives effect to Policy 22 of the NZCPS which related to sedimentation. As Standard 19.3.3.3(b) relates to sedimentation in the CMA, Regulation 6(1)(b) (in addition to Regulation 6(2)(b)) allows this standard to be more stringent than the NES-PF.</p> <p>As Rule 19.1.5. manages indigenous vegetation clearance within the Open Space 3 Zone more broadly (not just that managed under the NES-PF) we recommend that Rule 19.1.5 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 19.3.3 which identifies standards apply to which activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 19.1.5 as follows:</p> <p><i>19.1.5 Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Amend Standard 19.3.3.3 as follows:</p> <p><u>19.3.3.3</u></p> <p><i>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 19.3.4.3 to 19.3.3.5 (inclusive).</i></p> <p>iii. <i>under or within 50m of <del>commercial forest</del>, woodlot forest or shelter belt;</i></p> <p>Include the following advice note:</p> <p><u>Note:</u></p> <p><i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 19.3.3.2, 19.3.3.3(a), 19.3.3.4 and 19.3.3.5 do not apply.</i></p> |

| Rule #  | Rule   | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?   | Amendment recommended  |
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|   | (i) 500m <sup>2</sup> of indigenous sub-alpine vegetation;<br><br>(ii) 100m <sup>2</sup> of tall tussock of the genus <i>Chinochloa</i> .  |  |   |  |
| <p><u>Rule 19.1.6</u></p> <p>Non-indigenous vegetation clearance</p> <p>19.3.4</p> <p>Standards that apply to specific permitted activities</p> | <p><u>19.3.4 Non-indigenous vegetation clearance</u></p> <p><u>19.3.4.1.</u></p> <p>Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p><u>19.3.4.2.</u></p> <p>Vegetation clearance must not be in, or within 30m of, a river within a Water Resource Unit with a Natural State classification.</p> <p><u>19.3.4.3.</u></p> <p>Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.</p> <p><u>19.3.4.4.</u></p> <p>Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>19.3.4.5.</u></p> <p>Woody material greater than 100mm in diameter and soil debris must:</p> <p>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;</p> <p>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</p> <p>(c) be stored on stable ground;</p> <p>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</p> <p><u>19.3.4.6.</u></p> <p>Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake</p> | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>The definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP.</p> <p>As a result, Rule 19.1.6 and related standard duplicate and in some cases conflict with the NES-PF.</p> | <p>There are a number of permitted standards in 19.3.4 that can be more stringent than the NES-PF in accordance with Regulation 6. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and</li> <li>The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.).</li> </ul> <p>As such, all or part of Standards 19.3.4.1; 19.3.4.3; 19.3.4.4; 19.3.4.5(a) and (b) and 19.3.4.6 are able to be more stringent than the NES-PF in relation to these matters.</p> <p>There are three permitted activity standards where a portion of the standard is able to be more stringent than the NES-PF, while the other portion is not.</p> <p>As Rule 19.1.6 manages non-indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 19.1.6 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 19.3.4 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 19.1.6 as follows:</p> <p><u>19.1.6 Non-Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</u></p> <p>Add the following note beneath Heading 19.3.4:</p> <p><u>Where non-indigenous vegetation clearance is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 19.3.4.2, and 19.3.4.5(c) and (d) do not apply, and Standards 19.3.4.1, 19.3.4.5(a) and (b) and 19.3.4.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. All other Standards do apply.</u></p> |

| Rule #   | Rule  | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?   | Amendment recommended   |
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|  | <p>or costal marine area measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</p> <p>(c) the change in reflectance must be &lt;50%.</p>  |  |   |   |
| <p><u>Rule 19.1.7</u></p> <p>Excavation</p> <p>19.3.5</p> <p>Standards that apply to specific permitted activities</p> | <p><u>19.3.5. Excavation</u></p> <p><u>19.3.5.1.</u></p> <p>There must be no excavation in excess of 1000m3 on any land with a slope greater than 20 degrees within any 24 month period.</p> <p><u>19.3.5.2.</u></p> <p>Excavation must not occur on any land with a slope greater than 35°.</p> <p><u>19.3.5.3.</u></p> <p>Excavation must not be in, or within:</p> <p>(a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;</p> <p>(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p>(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.</p> <p><u>19.3.5.4.</u></p> <p>The excavation must not occur in a Soil Sensitive Area identified as loess soils.</p> <p><u>19.3.5.5.</u></p> <p>Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p><u>19.3.5.6.</u></p> <p>Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.</p> | <p>Under the NES-PF, 'earthworks' are permitted, subject to meeting conditions.</p> <p>Given the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of 'Excavation' within the pMEP some of the permitted standards associated with 'Excavation' within the pMEP will be superseded by the NES-PF for activities related to plantation forestry.</p> <p>As a result, Rule 19.1.7 and related standards would currently apply to excavation associated with forestry which is managed under the NES-PF.</p> | <p>There are a number of permitted standards in 19.3.5 that can be more stringent than the NES-PF regulations in accordance with Regulation 6. Standards include those related to the protection of:</p> <ul style="list-style-type: none"> <li>• Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF);</li> <li>• Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF);</li> <li>• The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policies 15 and 22 of the NZCPS.); and</li> <li>• An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF).</li> </ul> <p>As such, all or part of Standards 19.3.5.3; 19.3.5.5; 19.3.5.7; 19.3.5.8; 19.3.5.9; 19.3.5.10; 19.3.5.12; and 19.3.5.15 are able to be more stringent than the NES-PF in relation to the above matters.</p> <p>There are several permitted activity standards in Rule 19.3.5 where only a portion of the standard is able to be more stringent than the NES-PF. Given this complexity, we recommend a note is added to clarify what standards apply.</p> <p>Some standards in Rule 19.3.5 manage effects not managed under the NES-PF. These standards include:</p> <ul style="list-style-type: none"> <li>• Standard 19.3.5.3(c) relating to earthworks and potential effects on the structural integrity of stopbanks; and</li> <li>• Standard 19.3.5.6 relating to earthworks and the potential to cause adverse effects on the flood carrying capacity within Flood Hazard Areas.</li> </ul> | <p>Amend Rule 19.1.7 as follows:</p> <p><u>19.1.7. Excavation, including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</u></p> <p>Add the following note beneath Heading 19.3.5:</p> <p><u>Note:</u></p> <p><u>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 19.3.5.1, 19.3.5.2, 19.3.5.4, 19.3.5.11, 19.3.5.13 and 19.3.5.14 do not apply, and Standards 19.3.5.3(a) and (b), 19.3.5.12, 19.3.5.15 only apply to the extent that they relate to Significant Wetlands and the coastal marine area. All other Standards do apply.</u></p> |

| Rule # | Rule   | What is area of conflict or duplication? | Does NESPF allow more stringent rule?   | Amendment recommended |
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|        | <p><u>19.3.5.7.</u></p> <p><i>There must be no excavation in excess of 500m3 per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.</i></p> <p><u>19.3.5.8.</u></p> <p><i>There must be no excavation in excess of 500m3 per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.</i></p> <p><u>19.3.5.9.</u></p> <p><i>There must be no excavation in excess of 500m3 per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.</i></p> <p><u>19.3.5.10.</u></p> <p><i>There must be no excavation in excess of 500m3 per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.</i></p> <p><u>19.3.5.11.</u></p> <p><i>There must be no excavation in excess of 10m3 within a Groundwater Protection Area.</i></p> <p><u>19.3.5.12.</u></p> <p><i>Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</i></p> <p><u>19.3.5.13.</u></p> <p><i>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.</i></p> <p><u>19.3.5.14.</u></p> <p><i>Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.</i></p> |  | <p>In accordance with Section 43A(5)(b) of the RMA, the terms or conditions specified in the pMEP may only deal with effects that are different to those specified in the standard. As such, these standards can be retained because they manage effects that are not addressed under the NES-PF.</p> <p>As Rule 19.1.7 manages excavation more broadly (not just that managed under the NES-PF) we recommend that Rule 19.1.7 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 19.3.5 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> |                       |

| Rule #   | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended   |
|--|---|---|--|---|
|  | <p><u>19.3.5.15.</u></p> <p>Excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;</p> <p>(c) the change in reflectance must be &lt;50%.</p> |   |  |   |
| <p><u>19.4</u></p> <p>Discretionary Activities</p> | <p><u>19.4.1</u></p> <p>Any activity provided for as a Permitted Activity that does not meet the applicable standards.</p>  | Discretionary activity Rule 19.4.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the MEP can be retained.     | We do not recommend any amendments to Rule 19.4.1.   | No amendments recommended.  |
| <p><u>19.5</u></p> <p>Prohibited Activities</p>    | <p><u>19.5.3</u></p> <p>Planting Lodgepole pine (<i>Pinus contorta</i>).</p>  | Rule 19.5.3 manages the Planting Lodgepole pine ( <i>Pinus contorta</i> ) whether forestry managed under the NES or not. Where the activity does not relate to activities managed under the NES these provisions can be retained. | Rule 19.5.3 must be amended as it is more restrictive than the provisions within NES-PF and does not fall within the circumstances within which the rules can be more stringent. We recommend that a note be added to Rule 19.5.3, explaining that where the planting of Lodgepole pine ( <i>Pinus contorta</i> ) is managed under the NES-PF, Rule 19.5.3 does not apply. | <p>Add the following note beneath Rule 19.5.3:</p> <p><u>19.5.3</u></p> <p><i>Planting Lodgepole pine (<i>Pinus contorta</i>).</i></p> <p><u>Note:</u></p> <p><i>Where the planting of Lodgepole pine (<i>Pinus contorta</i>) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 19.5.3 does not apply</i></p> |

## Chapter 20: Open Space 4 Zone

| Rule #   | Rule  | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?   | Amendment recommended   |
|--|---|--|---|---|
| <p><u>Rule 20.1.5</u></p> <p>Excavation or filling</p> <p>20.3.3</p> <p>Standards that apply to specific</p> | <p><u>20.3.3 Excavation or filling</u></p> <p><u>20.3.3.1.</u></p> <p>No excavation in excess of 1000m<sup>3</sup> must occur on any land with a slope greater than 20° within any 24 month period.</p> <p><u>20.3.3.2.</u></p> <p>No filling in excess of 1000m<sup>3</sup> must occur within any 24</p> | <p>The NES-PF defines 'earthworks' and 'fill' and provides permitted activity conditions that must be met for the activity to be considered permitted. The permitted activity standards require operators to notify council, provide a forest earthworks management plan, maintain setbacks and provide measures to mitigate sediment and stormwater controls and stabilisation.</p> <p>Where the permitted activity standards are unable to be met, the activity must be considered a controlled or</p> | <p>There are some permitted standards that can be more stringent than the NES-PF regulations in accordance with Regulation 6. Standards include 20.3.3.3; 20.3.3.5 and 20.3.3.8 which are related to the protection of Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF).</p> <p>Standard 20.3.3.4 manages an effect not included in the NES-PF regulations relating to earthworks</p> | <p>Amend Rule 20.1.5 as follows:</p> <p><i>20.1.5. Excavation or filling, including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</i></p> <p>Add the following note beneath Heading</p> |

| Rule #               | Rule   | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?  | Amendment recommended   |
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| permitted activities | <p><i>month period.</i></p> <p><u>20.3.3.3.</u></p> <p><i>Excavation or fill must not be in, or within 8m of, a Significant Wetland.</i></p> <p><u>20.3.3.4.</u></p> <p><i>Excavation must not be within 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation.</i></p> <p><u>20.3.3.5.</u></p> <p><i>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.</i></p> <p><u>20.3.3.6.</u></p> <p><i>Batters must be designed to be stable and remain effective after completion of excavation.</i></p> <p><u>20.3.3.7.</u></p> <p><i>Water control measures and sediment control measures must designed, constructed and maintained around all areas disturbed by excavation, such that the areas are stable and remain effective after completion of excavation or filling.</i></p> <p><u>20.3.3.8.</u></p> <p><i>Excavation or filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland as measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation or filling site;</i></p> <p><i>(c) the change in reflectance must be &lt;50%.</i></p> <p><u>20.3.3.9.</u></p> <p><i>The diameter of any culvert used to drain any excavation or fill area must not be less than 300mm.</i></p> <p><u>20.3.3.10.</u></p> | <p>restricted discretionary activity.</p> <p>While covered under the same rule, the pMEP defines 'excavation' and 'filling' separately. The definitions are generally consistent with those in the NES-PF. Accordingly, the majority of permitted activity standards associated with excavation or filling in the pMEP would currently apply to excavation associated with forestry which is managed under the NES-PF.</p> | <p>and potential effects on the structural integrity of stopbanks. In accordance with Section 43A(5)(b) of the RMA, the terms or conditions specified in the pMEP may only deal with effects that are different to those specified in the standard. As such, Standard 20.3.3.4 can be retained as it manages an effect that is not addressed under the NES-PF.</p> <p>As Rule 20.1.5 manages excavation and filling more broadly (not just that managed under the NES-PF) we recommend that Rule 20.1.5 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 20.3.3 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>20.3.3:</p> <p><i>Note:</i></p> <p><i><u>Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 20.3.3.1, 20.3.3.2, 20.3.3.6, 20.3.3.7, 20.3.3.9 and 20.3.3.10 do not apply, and Standards 20.3.3.5 and 20.3.3.8 only apply to the extent that they relate to Significant Wetlands. All other Standards do apply.</u></i></p> |

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|   | <p>The fill must not contain any:</p> <p>(a) hazardous substances;</p> <p>(b) combustible or organic materials;</p> <p>(c) any other contaminant subject to chemical or biological breakdown;</p> <p>(d) liquids or sludge.</p>  |   |  |   |
| <p>Rule 20.1.6</p> <p>Planting of vegetation</p> <p>20.3.4</p> <p>Standards that apply to specific permitted activities</p> | <p><u>20.3.4 Planting of vegetation</u></p> <p><u>20.3.4.1</u></p> <p>Only indigenous species must be planted in, or within 8m of a Significant Wetland.</p>   | <p>Under the NES-PF, afforestation and replanting are permitted, subject to meeting conditions that include various setbacks. This includes a 10 metre setback from significant natural areas.</p> <p>The definitions of 'afforestation' and 'replanting' in the NES-PF require 'afforestation' or 'replanting' to be for plantation forestry purposes. pMEP Rule 20.1.6 applies to the planting of any vegetation and is not limited to planting for plantation or commercial forestry purposes.</p>   | <p>The circumstances where more stringent standards may be included/retained in the pMEP are not applicable. Given this, and that planting that is either 'afforestation' and 'replanting' is otherwise managed under the NES-PF, the rule as it relates to is effectively superseded by the NES-PF.</p> <p>Because Rule 20.1.6 applies to planting more broadly, we recommend that it is amended to exclude planting managed under the NES-PF.</p>  | <p>Amend Rule 20.1.6 as follows:</p> <p><i>Planting of vegetation, but excluding planting managed under the National Environmental Standards for Plantation Forestry 2017 as afforestation or replanting.</i></p>   |
| <p>Rule 20.1.7</p> <p>Removal of vegetation</p> <p>20.3.5</p> <p>Standards that apply to specific permitted activities</p>  | <p><u>20.3.5 Vegetation Clearance</u></p> <p><u>20.3.5.1.</u></p> <p>Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.</p> <p><u>20.3.5.2.</u></p> <p>Woody vegetation must not be removed by fire or mechanical means within 8 metres of a river (except an ephemeral river) or lake.</p> <p><u>20.3.5.3.</u></p> <p>In, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.</p> <p><u>20.3.5.4.</u></p> <p>All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.</p> <p><u>20.3.5.5.</u></p> <p>No tree or log must be dragged through the bed of a river (except an ephemeral river, or intermittently flowing river</p> | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>As the definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP, Rule 20.1.7 and the majority of related standards would currently apply to vegetation clearance associated with forestry managed under the NES-PF.</p> | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards are related to the protection of Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF) and include all or part of standards 20.3.5.3; 20.3.5.4; 20.3.5.5; 20.3.5.6; 20.3.5.9 and 20.3.5.10.</p> <p>The circumstances where more stringent rules may be included/retained in the pMEP are applicable to some of the standards for Rule 20.3.5. There are several permitted activity standards under Heading 20.3.5 where only a portion of the standard is able to be more stringent than the NES-PF.</p> <p>As Rule 20.1.7 manages vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that Rule 20.1.7 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 20.3.5 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p>Amend Rule 20.1.7 as follows:</p> <p><i>Vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following beneath Heading 20.3.5:</p> <p><i>Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 20.3.5.1, 20.3.5.2, 20.3.5.7, 20.3.5.8 and 20.3.5.11 do not apply and Standards 20.3.5.4 and 20.3.5.5, 20.3.5.6, 20.3.5.9 and 20.3.5.10 only apply to the extent that they relate to Significant Wetlands. All other Standards do apply.</i></p> |



| Rule #   | Rule   | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?  | Amendment recommended  |
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|  | <p>when not flowing), lake or Significant Wetland.</p> <p><u>20.3.5.6.</u></p> <p>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.</p> <p><u>20.3.5.7.</u></p> <p>Within 6 months of completion of vegetation clearance, a suitable vegetative cover that will mitigate soil loss must be restored over 80% of the clearance site.</p> <p><u>20.3.5.8.</u></p> <p>The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.</p> <p><u>20.3.5.9.</u></p> <p>No woody material of greater than 100mm diameter must be left in a river, lake or Significant Wetland.</p> <p><u>20.3.5.10.</u></p> <p>Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</p> <p>(c) the change in reflectance must be &lt;50%.</p> <p><u>20.3.5.11.</u></p> <p>If the clearance is of indigenous vegetation, the following also applies:</p> <p>(a) no more than 500m<sup>2</sup> of indigenous sub-alpine vegetation must be cleared in any 5 year period;</p> <p>(b) no more than 100m<sup>2</sup> of tall tussock of the genus <i>Chinochloa</i> must be cleared in any 5 year period.</p> |  |  |  |
| <p><u>Heading 20.4</u></p> <p>Restricted Discretionary</p> | <p><u>20.4.1</u></p> <p>Excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period.</p>  | <p>Under the NES-PF, 'earthworks' are permitted, subject to meeting conditions.</p> <p>Given the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of</p> | <p>The instances where the pMEP can be more stringent than the NES-PF under Regulation 6 do not apply to the restricted discretionary rule. On this basis, we recommend a note be included beneath Rule 20.4.1 to clarify that it does not</p> | <p>Add the following note beneath Rule 20.4.1:</p> <p><i>Note:</i></p> <p><i>Where excavation is managed under the</i></p> |

| Rule #  | Rule  | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?              | Amendment recommended   |
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| Activities  | <i>Matters over which the Council has restricted its discretion:</i><br><br>20.4.1.1. The effects on water quality and soil conservation from the excavation. | 'excavation' within the pMEP, some of the permitted standards associated with 'Excavation' within the pMEP rules will be superseded by the NES-PF for activities related to plantation forestry.                         | apply to excavation managed under the NES-PF.      | <a href="#"><u>National Environmental Standards for Plantation Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</u></a> |
| <u>Heading 20.5</u><br><br>Discretionary Activities | <u>20.5.1</u><br><br>Any activity provided for as a Permitted Activity or Restricted Discretionary Activity that does not meet the applicable standards.      | Discretionary activity 20.5.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the MEP can be retained. | We do not recommend any amendments to Rule 20.5.1. | We do not recommend any changes.  |

## Chapter 22: Lake Grassmere Salt Works Zone

| Rule #  | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended   |
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| <u>Rule 22.1.7</u><br><br>Excavation<br><br>22.3.6<br><br>Standards that apply to specific permitted activities | <u>22.3.6 Excavation</u><br><br><u>22.3.6.1.</u><br><br>Excavation in excess of 1000m <sup>3</sup> must not occur on land with a slope greater than 20° within any 24 month period.<br><br><u>22.3.6.2.</u><br><br>Excavation must not be in, or within 8m of a river (except an ephemeral river when not flowing), lake (except during salt harvest operations) or the coastal marine area.<br><br><u>22.3.6.3.</u><br><br>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake (except during salt harvest operations) or the coastal marine area.<br><br><u>22.3.6.4.</u><br><br>Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.<br><br><u>22.3.6.5.</u><br><br>Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by any excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation must not be less than 300mm. | Under the NES-PF, 'earthworks' are permitted, subject to meeting conditions.<br><br>Given the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of 'Excavation' within the pMEP the some of the permitted standards associated with 'Excavation' within the pMEP rules will be superseded by the NES-PF for activities related to plantation forestry. | There are a number of permitted standards that can be more stringent than the NES-PF in accordance with Regulation 6. These standards include those related to the protection of:<br><br><ul style="list-style-type: none"> <li>The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policies 15 and 22 of the NZCPS.)</li> </ul><br>As such, Standards 22.3.6.2 and 22.3.6.3 are able to be more stringent than the NES-PF in relation to this matter.<br><br>As Rule 22.1.7 manages excavation more broadly (not just that managed under the NES-PF) we recommend that Rule 22.1.7 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 22.3.6 which identifies which standards apply to activities managed under the NES-PF and those which do not. | Amend Rule 22.1.7 as follows:<br><br>22.1.7. Excavation, <a href="#"><u>including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</u></a><br><br>Add the following note beneath Rule 22.3.6:<br><br><u>Note:</u><br><br><a href="#"><u>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 22.3.6.1, 22.3.6.4, 22.3.6.5 and 22.3.6.6 and Standards 22.3.6.2 and 22.3.6.3 only apply to the extent that they relate to the coastal marine area.</u></a> |

| Rule #   | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?  | Amendment recommended  |
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|  | <p><u>22.3.6.6.</u></p> <p>After reasonable mixing, excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;</p> <p>(c) the change in reflectance must be &lt;50%.</p>  |   |  |  |
| <p><u>22.1.9</u></p> <p>Indigenous vegetation clearance</p> <p>22.3.8</p> <p>Standards that apply to specific permitted activities</p> | <p><u>Indigenous vegetation clearance</u></p> <p><u>22.3.8.1.</u></p> <p>Indigenous vegetation clearance must comply with Standards 22.3.9.1 to 22.3.9.8 (inclusive).</p> <p><u>22.3.8.2.</u></p> <p>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 22.3.8.3 to 22.3.8.6 (inclusive):</p> <p>(a) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</p> <p>(b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</p> <p>(c) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.</p> <p><u>22.3.8.3.</u></p> <p>Clearance of indigenous vegetation must not occur:</p> <p>(a) on land identified as a Threatened Environments – Indigenous Vegetation Site;</p> <p>(b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.</p> <p><u>22.3.8.4.</u></p> <p>Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:</p> | <p>Under the NES-PF, indigenous vegetation clearance is permitted, subject to meeting conditions.</p> <p>‘Indigenous vegetation clearance’ is not defined in the NES-PF, but a definition of ‘indigenous vegetation’ and ‘vegetation clearance’ is provided. It is considered the definition of ‘indigenous vegetation’ and ‘vegetation clearance’ is similar between the pMEP and NES-PF.</p> <p>As a result, Rule 22.1.9 and related standards would currently apply to indigenous vegetation clearance activities associated with forestry which are managed under the NES-PF.</p> | <p>There are a number of permitted standards in 22.8.3 that can be more stringent than the NES-PF regulations in accordance with Regulation 6 of the NES-PF.</p> <p>Provisions relating to significant natural areas are able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF.</p> <p>The NES defines significant natural areas as:</p> <p><i>an area of significant indigenous vegetation or significant habitat of indigenous fauna that—</i></p> <p>(a) is identified in a regional policy statement or a regional or district plan as significant, however described; and</p> <p>(b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria</p> <p>The only areas of the pMEP that meet this definition are the significant wetlands and Ecologically Significant Marine Sites which are mapped within the pMEP. As such, standard 22.3.8.3(b) is able to be more stringent than the NES-PF.</p> <p>Provisions relating the coastal marine area are able to be more stringent than the NES-PF in accordance with Regulation 6(1)(b) if the rule gives effect to Policy 22 of the NZCPS which relates to sedimentation. As Standard 22.3.8.3(b) relates to sedimentation in the CMA, Regulation 6(1)(b) (in addition to Regulation 6(2)(b)) allows this standard to be more stringent than the NES-PF.</p> <p>As Rule 22.1.9. manages indigenous vegetation clearance in the Lake Grassmere Salt Works Zone more broadly (not just that managed under</p> | <p>Amend Rule 22.1.9 as follows:</p> <p><i>22.1.9 Indigenous vegetation clearance including where managed by the National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following note beneath Heading 22.3.8:</p> <p><i>Note:</i></p> <p><i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 22.3.8.2, 22.3.8.3(a), 22.3.8.4, 22.3.8.5 and 22.3.8.6 do not apply.</i></p> |

| Rule #   | Rule  | What is area of conflict or duplication?   | Does NESPF allow more stringent rule?  | Amendment recommended   |
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|  | <p>(a) duneland vegetation;</p> <p>(b) coastal grassland;</p> <p>(c) coastal flaxlands;</p> <p>(d) coastal vegetation dominated by (making up &gt;50% of the canopy cover) wharariki/coastal flax (<i>Phormium cookianum</i>);</p> <p>(e) coastal broadleaved shrubland;</p> <p>(f) coastal small-leaved shrubland;</p> <p>(g) coastal salt turf;</p> <p>(h) coastal speargrass herbfield.</p> <p><u>22.3.8.5.</u></p> <p>Clearance of indigenous forest must not exceed 1000m2 per Computer Register in any 5 year period.</p> <p><u>22.3.8.6.</u></p> <p>Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2000m2 in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(b) 10000m2 in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:</p> <p style="padding-left: 40px;">(i) 500m2 of indigenous sub-alpine vegetation;</p> <p style="padding-left: 40px;">(ii) 100m2 of tall tussock of the genus <i>Chinochloa</i>.</p> |  | <p>the NES-PF) we recommend that Rule 22.1.9 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 22.3.8 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p>  |   |
| <p><u>Rule 22.1.10</u></p> <p>Non-indigenous vegetation clearance</p> <p>22.3.9</p> <p>Standards that apply to specific permitted activities</p> | <p><u>22.3.9 Non-indigenous vegetation clearance</u></p> <p><u>22.3.9.1.</u></p> <p>Where clearance is by mechanical means, blading or root-raking by bulldozer must not be used on slopes greater than 20°.</p> <p><u>22.3.9.2.</u></p> <p>Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p><u>22.3.9.3.</u></p> <p>No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river,</p>  | <p>Under the NES-PF, non-indigenous vegetation clearance applies to the clearance of vegetation associated with a plantation forestry activity that is not indigenous vegetation or harvesting (as defined in the NES-PF).</p> <p>The definition of 'vegetation clearance' within the NES-PF covers all of the same activities as the definition of 'vegetation clearance' within the pMEP.</p> <p>As a result, Rule 22.1.10 and related standards duplicate and in some cases conflict with the NES-PF.</p> | <p>There are a number of permitted standards that can be more stringent than the NES-PF regulations in accordance with Regulation 6. These standards include those related to the protection of the coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.). As such, all or part of Standards 22.3.9.2; 22.3.9.3; 22.3.9.4 and 22.3.9.7 (a) and (b) are able to be more stringent than the NES-PF.</p> <p>There are several permitted activity standards in 22.3.9 where a portion of the standard is able to be more stringent than the NES-PF, while the other portion is not.</p> <p>As Rule 22.1.10 manages non-indigenous vegetation clearance more broadly (not just that managed under the NES-PF) we recommend that</p> | <p>Amend Rule 22.1.10 as follows:</p> <p><i>22.1.10 Non-Indigenous vegetation clearance including where managed by the <a href="#">National Environmental Standards for Plantation Forestry 2017</a>.</i></p> <p>Add the following note to Heading 22.3.9:</p> <p><i><a href="#">Where non-indigenous vegetation clearance is managed under the National Environmental Standard for Plantation Forestry 2017, Standards 22.3.9.1, 22.3.9.5, 22.3.9.6, and 22.3.9.7(c) and (d) do not apply, and Standards 22.3.9.2, 22.3.9.3, 22.3.9.4, 22.3.9.7(a) and (b) and 22.3.9.8 only apply to the extent that they relate to the</a></i></p> |

| Rule #                     | Rule   | What is area of conflict or duplication?                  | Does NESPF allow more stringent rule?  | Amendment recommended                              |
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|                            | <p><i>when not flowing), lake or through the coastal marine area.</i></p> <p><u>22.3.9.4.</u></p> <p><i>Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area.</i></p> <p><u>22.3.9.5.</u></p> <p><i>On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.</i></p> <p><u>22.3.9.6.</u></p> <p><i>The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.</i></p> <p><u>22.3.9.7.</u></p> <p><i>Woody material greater than 100mm in diameter and soil debris must:</i></p> <p><i>(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area;</i></p> <p><i>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake or the coastal marine area;</i></p> <p><i>(c) be stored on stable ground;</i></p> <p><i>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</i></p> <p><u>22.3.9.8.</u></p> <p><i>After reasonable mixing, vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:</i></p> <p><i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i></p> <p><i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</i></p> <p><i>(c) the change in reflectance must be &lt;50%.</i></p> |   | <p>Rule 22.1.10 is amended to make it clear that it does apply to activities managed under the NES-PF, with a note included under 22.3.9 which identifies which standards apply to activities managed under the NES-PF and those which do not.</p> | <p><u><i>coastal marine area.</i></u></p>          |
| <p><u>Heading 22.4</u></p> | <p><u>22.4.2 Excavation of land exceeding 500mm in depth</u></p>   | <p>Under the NES-PF, earthworks are permitted subject</p> | <p>Rule 22.4.2 manages an activity that is also managed under the NES-PF. The instances</p>  | <p>Add the following note beneath Rule 22.4.2:</p> |

| Rule #                                   | Rule  | What is area of conflict or duplication?  | Does NESPF allow more stringent rule?   | Amendment recommended   |
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| Controlled Activity                      | <p><i>Standards and terms:</i></p> <p><u>22.4.2.1.</u></p> <p><i>The excavation must not exceed a depth of 1.5m.</i></p> <p><u>22.4.2.2.</u></p> <p><i>The excavation must not occur further than 100 metres from the zone boundary. Matters over which the Council has reserved control:</i></p> <p><u>22.4.2.3.</u></p> <p><i>The excavation of test pits;</i></p> <p><u>22.4.2.4.</u></p> <p><i>The protection of adjoining land from contamination by brine/saline water;</i></p> <p><u>22.4.2.5.</u></p> <p><i>Transmissiveness of the soils media between the site of excavation and the zone boundary;</i></p> <p><u>22.4.2.6.</u></p> <p><i>The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</i></p> | <p>to meeting conditions.</p> <p>Rule 22.4.2 in the pMEP provides a controlled activity status for excavation between 500mm and 1.5m in depth. Where excavation exceeds 1.5m in depth or occurs further than 100m from the zone boundary, the activity becomes a restricted discretionary activity.</p> <p>As the definition of 'earthworks' within the NES-PF covers all of the same activities as the definition of 'Excavation' within the pMEP, Rule 22.4.2 would apply to earthworks managed under the NES-PF.</p> | <p>where a rule may be more stringent under Regulation 6 of the NES-PF do not apply.</p> <p>On this basis, we recommend a note be included beneath Rule 22.4.2.</p> | <p><u>Note:</u></p> <p><i>Where earthworks are managed under the National Environmental Standards for Plantation Forestry 2017, Rule 22.4.2 does not apply.</i></p> |
| Heading 22.5<br>Discretionary Activities | <p><u>22.5.1</u></p> <p><i>Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.</i></p>  | <p>Discretionary activity Rule 22.5.1 within the pMEP would include commercial forestry activities that may be more stringent than the provisions within NES-PF. As such, the discretionary rule within the pMEP can be retained.</p>   | <p>We do not recommend any amendments to Rule 22.5.1.</p>   | <p>No amendments recommended.</p>   |