

Proposed Marlborough Environment Plan

Section 42A Hearings Report for Hearing Commencing

3 December 2018

Report dated: 2 November 2018

Report on submissions and further submissions

Topic 22: Forestry

Report prepared by

Liz White

Consultant Planner

Contents

List of Abbreviations	3
Submitter Abbreviations	4
Introduction	5
Code of Conduct	5
Scope of Hearings Report	5
Overview of Provisions	6
Statutory Documents	8
Resource Management Act 1991 (RMA)	8
National Policy Statements	9
National Environmental Standards	11
Analysis of submissions	13
Key matters	13
Pre-hearing meetings	13
Reconciliation of MEP provisions with NESPF	13
General Approach	15
Commercial Forestry Planting Rules – Rural Environment Zone (3.1.6, 3.3.6 and 3.7.1)	19
Commercial Forestry Harvesting Rules – Rural Environment Zone (3.1.7, 3.3.7 & 3.7.3)	27
Commercial Forestry Provisions – Coastal Environment Zone (4.1.6, 4.3.6, 4.7.1 and 4.7.2)	41
Rural Living and Coastal Living Zone (Rules 7.5.1, 7.5.2, 8.5.1 and 8.5.2)	53
Prohibited Rules for Particular Species (Rules 3.7.2, 4.7.2, 7.5.3, 8.5.3)	54
Setbacks for buildings from forestry	55
Mapping of Steep Erosion-Prone Land	55
Appendix 1: Recommended decisions on decisions requested	58
Appendix 2: Steep Erosion-Prone Land and NESPF Erosion Susceptibility Mapping Comparison	78
Appendix 3: NESPF Alignment Exercise	85

List of Abbreviations

ETS	Emissions Trading Scheme
MEP	Proposed Marlborough Environment Plan
NZCPS	New Zealand Coastal Policy Statement 2010
NPSFM	National Policy Statement for Freshwater Management 2014
NESPF	Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
NESDW	Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007
ONF/L	Outstanding Natural Feature or Landscape
RMA	Resource Management Act 1991

Submitter Abbreviations

Submitter Number	Submitter Abbreviation	Full Submitter Name
91	MDC	Marlborough District Council
232	MLL	Marlborough Lines Limited
307	TDC	Tasman District Council
425	Federated Farmers	Federated Farmers of New Zealand
459	Beef and Lamb	Beef and Lamb New Zealand
476	SMLRT	South Marlborough Landscape Restoration Trust
482	DOC	Department of Conservation
484	Clintondale Trust	Clintondale Trust, Whyte Trustee Company Limited
496/715	Forest & Bird	Royal Forest and Bird Protection Society
552	CORANZ	Council of Outdoor Recreation Associations of New Zealand
869	KCSRA	Kenepuru and Central Sounds Residents Association Incorporated
962	MFIA	Marlborough Forest Industry Association
965	MRFA	Marlborough Recreational Fishers Association
995	NZ Forest Products	New Zealand Forest Products Holdings Limited
1002	NZTA	New Zealand Transport Agency
1039	Pernod Ricard	Pernod Ricard Winemakers New Zealand Limited
1186	Te Atiawa	Te Atiawa o Te Waka-a-Maui
1190	BMCRRRA	Bay of Many Coves Residents and Ratepayers Association Incorporated
1193	MEC	The Marlborough Environment Centre Incorporated
1235	WVRRA	Wairau Valley Ratepayers and Residents' Association

Introduction

1. My name is Liz White. I am a Senior Resource Management Consultant from Incite (Ch-ch), based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am an associate member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have over 10 years of resource management and planning experience spanning both the public and private sectors. My experience includes both regional and district plan development, including the preparation of Section 32 and Section 42A reports, as well as undertaking policy analysis and preparing submissions for clients on various RMA documents. I also have experience in resource consents and notices of requirement, both in preparing applications, as well as processing applications for territorial authorities.
2. In my current and previous roles, I have undertaken work for some of the submitters on the MEP, but I have not been involved in the preparation of any submissions made to the MEP or provided any advice with respect to projects in the MEP area.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in August 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. I have read Council's Section 32 reports.

Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
6. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
7. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

8. This report is prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).
9. In this report I assess and provide recommendations to the Hearing Panel on submissions made on:
 - Forestry in general terms
 - Within the Rural Environment Zone:
 - a. Permitted activity rules 3.1.6 and 3.1.7, and permitted activity standards 3.2.1.7, 3.3.6 and 3.3.7.
 - b. Prohibited activity rules 3.7.1, 3.7.2 and 3.7.3
 - Within the Coastal Environment Zone:
 - a. Permitted activity rule 4.1.6, and permitted activity standards 4.2.1.6 and 4.3.6.
 - b. Discretionary activity rules 4.6.3 and 4.6.4 (now 4.5.3 and 4.5.4).
 - c. Prohibited activity rules 4.7.1, 4.7.2 and 4.7.3
 - Within the Coastal Living Zone:
 - a. Prohibited activity rules 7.5.1, 7.5.2 and 7.5.3
 - Within the Rural Living Zone:
 - a. Prohibited activity rules 8.5.1, 8.5.2 and 8.5.3
 - Within the Open Space 3 Zone
 - a. Permitted activity standard 19.2.1.4.
 - Definitions relevant to commercial forestry:
 - a. Commercial forestry, commercial forestry planting, commercial forestry harvesting, commercial forestry replanting, slash and soil debris.
 - The mapping of Steep Erosion-Prone land

10. Because of the effect of the NESPF this report does not address or make recommendations in relation to provisions in the MEP that submitters may have commented on, but which have been superseded by the NESPF. This is explained in full detail later in this report, but in terms of provisions, includes:
 - Standards 3.3.6.1 and parts of 3.3.6.2
 - Standards 3.3.7.1, 3.3.7.2, 3.3.7.5, 3.3.7.6, 3.3.7.7, 3.3.7.8, 3.3.7.13, 3.3.7.15, 3.3.7.16, 3.3.7.18, 3.3.7.19, 3.3.7.20 and parts of 3.3.7.3, 3.3.7.9, 3.3.7.10, 3.3.7.11, 3.3.7.12 and 3.3.7.17.
 - That part of Rule 3.5.1 that relates to Commercial Forestry Harvesting
 - Parts of Rule 3.7.1
 - Rule 3.7.2 as it applies to Commercial Forestry
 - Part of Standard 4.3.6.1
 - Rule 4.7.3 as it applies to Commercial Forestry
 - Rule 7.5.3 as it applies to Commercial Forestry
 - Parts of Rules 8.5.1 and 8.5.2
 - Rule 8.5.3 as it applies to Commercial Forestry
 - Appendix 22
11. This report also does not cover any standards within the standards identified above that relate Afforestation Flow Sensitive Sites (3.3.6.2(f)), as these will be addressed in Topic 4 – Water Allocation and Use.
12. It should also be noted that the MEP does not contain a specific chapter (or part of a chapter) in Volume 1 that contains an objective and policy framework specific to forestry. As such, the rules relating to forestry (identified above and summarised below) are implementing a range of policy direction across the plan, both in terms of zone-based and district-wide policy provisions. The objective and policy direction has been considered in other Section 42A reports, as the direction in them is broader than just in relation to how forestry activities are managed. Within this report, the relevant policy framework is identified in the discussion relating to particular rules, but this report does not assess submissions on, or make recommendations on the broader objective and policy framework.
13. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
14. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

Policy and Objective framework

15. As noted above, the MEP does not contain a specific chapter (or part of a chapter) in Volume 1 that contains an objective and policy framework specific to forestry. As such, the rules relating to forestry (which are summarised below) are implementing a range of policy direction across the MEP. For example, rules in the Rural Environment and Rural Living zones relate to the overarching direction in Objective 14.1 which seeks that rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed, and the related policy direction in policies 14.1.1, 14.1.4 and 14.1.7. Similarly, rules in the Coastal Environment and Coastal Living zones relates to the outcome sought in Objective 13.2 that use and development activities take place in appropriate locations and forms and within appropriate limits, and as expanded on further in Policy 13.2.1.
16. A number of permitted activity standards are also aimed at implementing various objectives and policies across the Plan that relate to specific areas, values or other activities. For example, some

standards relate to implementing the MEP's direction relating to outstanding natural features and landscapes (ONF/L), indigenous biodiversity, riparian margins, effects on water quality and land disturbance.

17. Within this report, the relevant policy framework is identified in the discussion relating to particular rules.

Rural Environment

Rules 3.1.6 and 3.1.7, Standards 3.3.6 and 3.3.7 and Rules 3.5.1, 3.7.1 and 3.7.2

18. Within the Rural Environment, commercial forestry planting and carbon sequestration forestry planting (non-permanent), and commercial forestry harvesting are provided for as permitted activities (under Rules 3.1.6 and 3.1.7 respectively) subject to meeting the applicable permitted activity standards set out in 3.3.6 and 3.3.7. Where the permitted activity standards are not met, the activity will require consent as a discretionary activity under the default rule 3.6.1 (unless otherwise specified).
19. Rule 3.5.1 (as notified) provided a restricted discretionary status for particular excavation activities, including harvesting activities. However, the alignment exercise has identified that this rule has been superceded by the NES-PF in respect to commercial forestry harvesting activities, so it is not commented on further in this report.
20. Rules 3.7.1, 3.7.2 and 3.7.3 also list activities that are specifically prohibited: commercial forestry planting and carbon sequestration forestry planting (non-permanent) on land identified as Steep Erosion-Prone Land within the Coastal Environment, where the land has not been previously planted in lawfully established forestry (Rule 3.7.1); planting Lodgepole pine (*Pinus contorta*) (Rule 3.7.2); and carbon sequestration forestry (permanent) harvesting (Rule 3.7.3).

Coastal Environment

4.1.6, 4.2.1.6, 4.3.6, 4.6.3, 4.6.4, 4.7.1, 4.7.2 and 4.7.3

21. Within the Coastal Environment Zone, only commercial forestry replanting is listed as a permitted activity (Rule 4.1.6), subject to meeting the permitted activity standards set out in 4.3.6.
22. Both commercial forestry planting and commercial forestry harvesting are specified as restricted discretionary activities (under Rules 4.5.3 and 4.5.4 respectively), requiring consent for these activities within this zone. As notified, these were fully discretionary activities (4.6.3 and 4.6.4), but the NESPF alignment exercise identified that this broadened the discretion beyond those matters the MEP could be more stringent on, so they have been amended to restricted discretionary activities.
23. As in the Rural Environment Zone, there are also activities that are specifically prohibited: commercial forestry planting and carbon sequestration forestry planting (non-permanent) on land identified as Steep Erosion-Prone Land, where the land has not been previously planted in lawfully established forestry (Rule 4.7.1); the harvesting of commercial forestry on land identified as Steep Erosion-Prone Land, which has not been lawfully established; and planting Lodgepole pine (*Pinus contorta*) (Rule 4.7.3).

Coastal Living Zone and Rural Living Zone

Prohibited Rules 7.5.1, 7.5.2 and 7.5.3, and 8.5.1, 8.5.2 and 8.5.3

24. Within both zones, the following activities are listed as prohibited under these rules: commercial forestry planting and carbon sequestration forestry planting (non-permanent) on land identified as Steep Erosion-Prone Land (and in the Rural Living Zone, only within the coastal environment), where the land has not been previously planted in lawfully established forestry (Rules 7.5.1 and 8.5.1); the harvesting of commercial forestry on land identified as Steep Erosion-Prone Land, which has not been lawfully established (Rules 7.5.2 and 8.5.2); and planting Lodgepole pine (*Pinus contorta*) (Rules 7.5.3 and 8.5.3).

25. Within these zones, no other provision is made for forestry activities and therefore these will fall to be a discretionary activity under Rule 7.4.6 (Coastal Living Zone) or 8.4.6 (Rural Living Zone) - *Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.*

Restrictions on activities in proximity to forestry

26. Within the Rural Environment Zone (3.2.1.7) Coastal Environment Zone (4.2.1.6) and Open Space 3 (19.2.1.4) zones, the following permitted activity standard applies to the construction and siting of any (permitted) building or structure:

A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

Statutory Documents

27. The following statutory documents are relevant to the provisions and/or submissions within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in the actual assessment.

Resource Management Act 1991 (RMA)

28. The RMA sets out a number of obligations which the Council must address when preparing the MEP. This includes the overall direction in Section 5(1) that the MEP must meet the purpose of the RMA, being the promotion of sustainable management of natural and physical resources. Sections 5(2)(b) and (c) require that the management of natural and physical resources be undertaken in a way that safeguards the life-supporting capacity of air, water, soil and ecosystems; and avoids, remedies or mitigates any adverse effects of activities on the environment.
29. Section 6 requires the Council to recognise and provide for a number of matters of national importance, including:
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of these from inappropriate subdivision, use and development;*
 - (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*
 - (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
 - (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga'.*
30. Section 7 requires Council to have particular regard to various matters, including '*(b) the efficient use and development of natural and physical resources*', '*(d) Intrinsic values of ecosystems*' and '*(f) the maintenance and enhancement of the quality of the environment.*'
31. Section 30 of the RMA sets out the functions of regional councils under the Act. At a broader level, this includes the establishment of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region (Section 30(1)(a)). Specifically, in relation to land use, this includes the control of the use of land for the purpose of: the maintenance and enhancement of the quality of water in water bodies and coastal water (Section 30(1)(c)(ii)); the maintenance of the quantity of water in water bodies and coastal water (Section 30(1)(c)(iii)); the maintenance and enhancement of ecosystems in water bodies and coastal water (Section 30(1)(c)(iiiia)).
32. Section 31 sets out the functions of territorial authorities. At a broader level, this includes the establishment of objectives, policies and methods to achieve integrated management of the effects

of the use, development or protection of land and associated natural and physical resources of the district (Section 31(1)(a)).

33. These functions are particularly relevant to this topic, because the commercial forestry provisions within the MEP are in some cases integrated, combining both regional and district rules (and functions) to achieve integrated land use management.
34. Also of relevance to some submissions, is Section 10 of the RMA, which is commonly referred to as 'existing use rights'. This section provides for land to be used in a manner that contravenes a rule in a district plan if it was lawfully established before the rule, and the effects of the land use remain the same or similar in character, intensity and scale to the existing activity. This 'existing use right' does not apply to where the use of land is controlled under section 30(1)(c), i.e. where it relates to the regional council functions set out above.
35. 'Existing use rights' have very limited application to regional rules. Under Section 20A(2) of the RMA, where a rule in a regional plan is made operative, and requires resource consent be obtained for an activity, the activity can continue provided that resource consent is applied for within 6 months of the rule becoming operative, and only until the consent or any appeals on it have been determined. This is subject to the activity having been (prior to the rule) permitted or otherwise lawfully established, and the effects of the activity remaining the same or similar in character, intensity and scale.

National Policy Statements

New Zealand Coastal Policy Statement 2010 (NZCPS)

36. The NZCPS sets out national policy direction in order to achieve the purpose of the RMA in relation to the coastal environment. It is the only mandatory national policy statement under the RMA. It contains seven objectives and 29 related policies. The NZCPS provides direction to local authorities in relation to how the coastal environment is to be managed, consistent with the functions given to regional councils and district councils under the RMA. The NZCPS must be given effect to in regional policy statements, regional plans and district plans.
37. The NZCPS is relevant to the forestry topic as it contains direction on land use within the coastal environment. The particular provisions within the NZCPS are discussed in the assessment of this topic where relevant. Of particular note are policies 11, 13, 15 and 22, which are set out below, because the NESPF (discussed in the following section) provides for a rule in the MEP to be more stringent, where it is giving effect to any of these policies:

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- (a) *avoid adverse effects of activities on:*
 - (i) *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - (ii) *taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - (iii) *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - (iv) *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - (v) *areas containing nationally significant examples of indigenous community types; and*
 - (vi) *areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- (b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
 - (i) *areas of predominantly indigenous vegetation in the coastal environment;*
 - (ii) *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
 - (iii) *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*

- (iv) *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- (v) *habitats, including areas and routes, important to migratory species; and*
- (vi) *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Policy 13 Preservation of natural character

- (1) *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
 - (a) *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
 - (b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
 - (c) *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
 - (d) *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- (2) *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
 - (a) *natural elements, processes and patterns;*
 - (b) *biophysical, ecological, geological and geomorphological aspects;*
 - (c) *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
 - (d) *the natural movement of water and sediment;*
 - (e) *the natural darkness of the night sky;*
 - (f) *places or areas that are wild or scenic;*
 - (g) *a range of natural character from pristine to modified; and*
 - (h) *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
 - (b) *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;*
- including by:*
- (c) *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
 - (i) *natural science factors, including geological, topographical, ecological and dynamic components;*
 - (ii) *the presence of water including in seas, lakes, rivers and streams;*
 - (iii) *legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;*
 - (iv) *aesthetic values including memorability and naturalness;*
 - (v) *vegetation (native and exotic);*
 - (vi) *transient values, including presence of wildlife or other values at certain times of the day or year;*
 - (vii) *whether the values are shared and recognised;*

- (viii) *cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
- (ix) *historical and heritage associations; and*
- (x) *wild or scenic values;*
- (d) *ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*
- (e) *including the objectives, policies and rules required by (d) in plans.*

Policy 22 Sedimentation

- (1) *Assess and monitor sedimentation levels and impacts on the coastal environment.*
- (2) *Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.*
- (3) *Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.*
- (4) *Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.*

National Policy Statement for Freshwater Management (NPSFM)

- 38. The NPSFM sets out objectives and policies for freshwater management, providing direction on how local authorities should carry out their responsibilities under the RMA for managing fresh water. Specifically, the objectives of the NPSFM seek to achieve a number of aims, including that the overall quality of fresh water within a freshwater management unit is maintained or improved. The NPSFM also requires regional councils to establish freshwater objectives and sets out a process for doing so.
- 39. The NPSFM is relevant to the forestry topic because the NESPF (discussed in the following section) provides for a rule in the MEP to be more stringent, where it is giving effect to a freshwater objective that in turn has been developed to give effect to the NPSFM.

National Environmental Standards

National Environmental Standard for Plantation Forestry (NESPF)

- 40. On 1 May 2018, the NESPF came into effect. It provides a set of rules that apply nation-wide to the following activities relating to plantation forestry:
 - *afforestation;*
 - *pruning and thinning to waste;*
 - *earthworks;*
 - *river crossings;*
 - *forestry quarrying;*
 - *harvesting;*
 - *mechanical land preparation;*
 - *replanting*
 - *other ancillary activities.*
- 41. The NESPF is directly relevant to this topic, because a number of provisions within the MEP have now been superseded by the NESPF and consideration of other provisions should be made in the context of the regulations in the NESPF.
- 42. The RMA sets out the relationship between the regulations and standards in the NESPF and district and regional plan rules. This includes the requirement under Section 44A of the RMA for the Council to identify where plan rules duplicate or conflict with the NESPF and remove the duplication or conflict. Under Section 43B of the RMA, the RMA allows for district or regional rules to be more stringent in cases where an NES explicitly states this. In this instance, the NESPF provides for plan rules to be more stringent in the following circumstances:

- Where the rule gives effect to a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management (Regulation 6(1)(a));
- Where the rule gives effect to any of policies 11, 13, 15 or 22 of the New Zealand Coastal Policy Statement (Regulation 6(1)(b));
- Where the rule recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development (Regulation 6(2)(a));
- Where the rule recognises and provides for the protection of significant natural areas (e.g. Significant Wetlands) (Regulation 6(2)(b));
- Where the rule manages activities relative to registered drinking water supplies (Regulation 6(3)(c)).

43. In addition, under Section 43A(5) of the RMA, where an NES allows an activity, terms and conditions for that activity can be specified in a plan but only where these deal with the effects of the activity that are different from those dealt with in the NES. This allows for the standards in the MEP to be retained (subject to consideration of their merits) where they manage effects of forestry activities that do not fall within the effects managed under the NESPF. An example of this is permitted activity standards that manage the effects of forestry on water yield, or on network utility infrastructure.
44. The Council has undertaken the alignment exercise required under Section 44A of the RMA and removed those provisions that duplicate or conflict with the NESPF, where those provisions cannot be more stringent, and where they do not manage effects that are not managed under the NESPF.¹
45. The Council has previously determined to retain those rules within the MEP that are more stringent than the NESPF, but which can be so because they fall within the matters or circumstances which the NESPF states they can be more stringent.² This in as interim measure, as through consideration of the MEP, it may be determined that this is not the most appropriate way to achieve the MEP's objectives. This is specifically considered within this report.
46. The process undertaken by the Council to align the MEP provisions within the NESPF in accordance with Section 44A of the RMA is referred to within this report as the "NESPF alignment exercise". The alignment exercise is attached to this report in Appendix 3, to provide ease of reference as to what rules and standards are no longer applicable.

National Environmental Standard for Sources of Drinking Water (NESDW)

47. The NESDW sets requirements for protecting sources of human drinking water from becoming contaminated. It came into effect on 20 June 2008. The NESDW requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Of relevance to the MEP, this include directing councils to be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment.
48. The NESDW is relevant to this topic because the NESPF provides for a rule in the MEP to be more stringent than the NESPF, where it manages activities conducted within 1km upstream of the abstraction point of a drinking water supply for more than 25 people, where the water take is from a water body.

¹ Planning, Finance and Community Committee Report, (L225-08-08), 1 November 2019.

² Planning Finance and Community Committee Report (L225-08-08), 3 May 2018.

Analysis of submissions

49. There were approximately 623 submission points received on the rules, standards, definitions and maps applicable to this topic.

Key matters

50. I have set out my analysis of the submission points by issue and then by respective components of the topic, under the following headings:
- Reconciliation of MEP provisions with NESPF
 - Submissions relating to the general approach taken to forestry
 - Commercial forestry planting rules in the Rural Environment Zone
 - Commercial forestry harvesting rules in the Rural Environment Zone
 - Commercial forestry rules in the Coastal Environment Zone
 - Rural Living and Coastal Living Zone rules
 - Prohibited rules for particular species
 - Setbacks for buildings from forestry
 - Mapping of Steep Erosion-Prone Land
51. Submission relating to definitions are included within the topics set out above to which they are relevant.

Pre-hearing meetings

52. There has been no pre-hearing meeting for this topic.

Reconciliation of MEP provisions with NESPF

53. As set out earlier, since the notification of the MEP, the NESPF has come into force. The Council has undertaken the exercise of aligning the proposed provisions in the MEP with the NESPF, removing those that duplicate or conflict with the NESPF, and where they do not meet the circumstances in which they can be retained.
54. As a consequence of this, there are a number of submission points made on the MEP that are now no longer valid, because the provision in the MEP has been superseded by the NESPF. These submissions are therefore not considered in this report because they do not relate to matters over which the MEP can have control. Where this is the case, this report identifies the provisions at the start of each section, and the submission points on them are included within a footnote to make it clear which submission points have not been considered for this reason (approximately 153 submission points).
55. In some cases, submitters have explicitly opposed the rules in the MEP on the basis that they anticipated the release of the NESPF would override the rules in the MEP or they seek that the rules are aligned with the then-draft NESPF.³ I recommend that these submissions are accepted in part, to the extent that the Council has undertaken the exercise of aligning the plan provisions with the NESPF to remove those that conflict or duplicate the NESPF and where the NESPF does not allow for them to be more stringent, or they do not impose standards relating to effects not managed under the NESPF.
56. In addition to the submission points referred to above, there are a number of submission points which raise concerns that I consider are addressed through the NESPF and therefore do not require amendments to be made to the MEP. These are as follows:

³ For example, 425.354, 425.355, 425.356, 425.357, 425.358, 425.359, 425.360, 425.361, 425.362, 425.363, 425.364, 425.365, 425.366, 425.367, 425.369, 425.370 – Federated Farmers, 505.23, 505.24 – Ernslaw One Ltd, 962.144, 962.145 – MFIA, 282.5, 282.6 – Warren Forestry Ltd, 990.4, 990.6 – Nelson Forests Ltd, 1084.10 – Raeburn Property Partnership.

- L K Powell (448.2, 448.3, 448.4, 448.6, 448.9) who raises concerns regarding the nature and extensiveness of the rules proposed in relation to forestry and who considers that clearly articulated objectives and agreed guidelines would be more appropriate and obviate the need for detailed regional and district plan rules. I note that the introduction of the NESPF provides a national set of standards, that these are not able to be amended through the MEP and the rules in the MEP can only be more stringent in specified circumstances or to manage effects not managed under the NESPF. In light of this new national framework, I consider the crux of the submitter's concerns have been addressed. In particular, the effect of the NESPF is that a number of standards within the MEP managing forestry have been removed or reduced in their application.
- MEC (1193.61) who oppose the permitted activity status for various activities including forestry, seeking that the status be changed to controlled, so that those undertaking the activity can be charged monitoring fees. They also seek that forestry activities be required to undertake annual independent auditing and monitoring. Notwithstanding any merit assessment of any such change, I note that there is no ability under the NESPF for the rules in the MEP to be more stringent in relation to being able to charge for monitoring, or to require additional auditing or monitoring.
- Pinder Family Trust (578.27), Guardians of the Sounds (752.27), Sea Shepherd NZ (1146.27) and MEC (1193.14) who seek that the MEP be amended to include a new policy and rules aimed at preventing wilding pine spread beyond the boundaries of commercial forests; that there be a requirement to assess the risk of tree spread for a site using the industry's 'Wilding Spread Risk Calculator' before planting occurs; and that there be a restriction on planting within 50m of a ridge to prevent seed spread. I note that the NESPF includes controls relating to wilding pine spread, including requirements relating to wilding tree risk calculators. The NESPF does not allow for the MEP to include more stringent rules in relation to wilding spread generally.
- Pinder Family Trust (578.20) also seek that wilding spread from a plantation area be controlled by the forestry owner, with this and other wilding pine control met by an industry levy, stating that the current costs of wilding pine control fall on affected landowners and the community. Again, as the NESPF manages effects relating to wilding tree spread risk, there is no ability for the MEP to include controls relating to management of wilding spread. I also note that it is beyond the scope of the MEP to impose an industry levy.
- P & T Beech (699.1) consider that plantation next to DOC or private land should be required to stop planting 100m from ridgelines to stop pines dominating the skyline and allowing wilding spread. As noted above, the MEP cannot be more stringent in relation to the control of wilding spread, or in general terms relating to visual effects (noting that there are restrictions on forestry in ONF/L areas)
- KiwiRail (873.126), who seek an addition to Rule 4.3.6.1 to restrict planting within 10m of the rail corridor. They state that such planting has the potential to raise safety concerns where adjacent to the rail corridor (examples are provided within the submission) and therefore a setback is required. This matter was also considered in Topic 20 in relation to woodlot forestry planting.⁴ I note that the NESPF includes a requirement for afforestation (i.e. planting) to be setback 10m from adjoining properties, which would include the boundary with the rail corridor. Therefore, I consider that the relief sought by the submitter is already provided by the NESPF and no further standard is required in the MEP specific to the rail corridor.
- WVRRA (1235.8) seek that "*tree clearance*" be made a discretionary activity. It is not clear from the submission which zone or area this is specifically sought in relation to, although the request is made in relation to a land disturbance policy (Policy 15.4.3) and concerns about dust in the Wairau Valley, including that caused by logging. To the extent that the submission applies to commercial forestry harvesting, I note that the MEP cannot be more stringent in relation to dust, which is managed under the NESPF.

⁴ Refer to paragraphs 179 and 180 in the Section 42A Report for Topic 20: Utilities & Designations

General Approach

57. This section of the report deals with submission points that relate to the general approach taken to commercial forestry within the MEP, including the definition of commercial forestry. Where some of these points also touch on changes sought to specific provisions, consideration of the specific aspects are considered further below in relation to those provisions. The assessment contained within this section instead focusses on the broader points raised.

Submissions and Assessment

58. Nelson Forests Ltd (990.1, 990.157, 990.158) and MFIA (962.1, 962.2, 962.3) raise concerns that various guiding principle set out in Chapter 1 – Introduction to the MEP are not evident within the provisions of the MEP. These include the principles relating: to ensuring that any regulation is in keeping with the scale of the activity regulated; only intervening in private property rights to protect the environment and wider public interests in it; providing the community with a streamlined and simplified framework; and aligning regional and district rules with those of adjoining authorities.
59. They state the permitted activity standards for commercial forestry are such that they cannot be easily achieved and further, that there is no evidence that there is a significant risk from commercial forestry harvesting or that the effects are unknown. They consider that there is no justification for the inclusion of regional rules for commercial forestry harvesting as compared to a district rule, or for it to require a discretionary activity consent in the coastal environment. Both submitters seek that the permitted activity standards are reviewed and controlled activities provided for, to ensure the MEP aligns with the guiding principles. They state (990.117 and 990.119, 990.152) that there is no justification for commercial forestry planting or harvesting activities to not be a controlled activity if the permitted activity standards cannot be met, and provide an extensive list of potential matters for control.
60. Nelson Forests consider that if any justification remains for retaining the discretion to grant or decline a consent, these should be restricted discretionary activity as “*Full discretionary consents should only be used where the adverse effects are significant*”. They also state that the rules are not aligned with those of adjoining authorities, as neither Tasman District or Nelson City Council have specific commercial forestry rules, instead managing these through activity rules such as soil disturbance and vegetation removal. Nelson Forests Ltd seek that the rational and justification for having separate commercial forestry rules be reviewed, and that the specific commercial forestry rules be deleted and rules for land disturbance be re-instated. MFIA seek that the provisions are aligned with the guiding principle of aligning with other local authorities. MFIA (962.5) also seek that the regulation for plantation forestry be removed from the MEP. This relates to statements in Chapter 2 of the MEP relating to the consultation and testing of provisions prior to notification, with the submitter raising concerns that the description around pre-notification consultation is inaccurate with respect to the involvement of the forestry industry.
61. I note that the ‘Guiding principles’ set out in Chapter 1 – Introduction to the MEP are statements of fact, setting out the principles the Council used in the development of the MEP’s provisions. As such, they do not have any statutory basis in the MEP and are simply contextual. They do not override the requirements of the RMA relevant to the consideration of the MEP⁵. That being said, there are objective and policy provisions that are relevant, which address the principles. In particular, Chapter 4 – Use of Natural and Physical Resources – includes an overarching objective (Objective 4.1) seeking that Marlborough’s primary production and tourism sectors continue to be successful and thrive whilst ensuring the sustainability of natural resources. This is supported by Policy 4.1.1 which directs that the rights of resource users are recognised by only intervening in the use of land to protect the environment and wider public interests in it.
62. It is my view, in a general sense, that there are adverse effects associated with forestry activities that do require management through a rule framework and this is effectively acknowledged in the NESPF. Permitted activity standards targeted at addressing potential adverse effects from activities, or the requirement for consent to be obtained in situations where it is anticipated that the specific

⁵ For completeness, I note that submissions were made on these provisions and considered within the Section 42A Report on Topic 1 – General, and the outcomes on those submissions may also be of relevance to these submission points.

circumstances of the activity are best considered on a case-by-case basis through the consent process are, in my view, entirely aligned with Policy 4.1.1 and Objective 4.1, because the intervention is related to managing effects on the environment and to ensure the sustainability of the relevant natural resources. I agree with the submitter to the extent that the specific permitted activity standards, and activity status for particular activities does need to be considered carefully, to ensure that the intervention is appropriately targeted, and this is considered further below in relation to specific rules.

63. It is also not clear to me why reference is made to the effects not being unknown. Knowing the types of effects that are likely to be generated by an activity do not, in my opinion, provide a reason not to regulate the activity or to provide a controlled activity status, the latter meaning that a consent could not be declined regardless of the scale of effects it could generate. In my experience, knowing the effects an activity is likely to generate is more relevant to how the activity is managed, for example, whether potential effects can be managed through permitted activity standards so that consent is not required below the identified thresholds, or through restricted discretionary activity status where the effects of relevance can be targeted for consideration. I also do not agree that fully discretionary status should be used only where the adverse effects are significant. In my view, the distinction between restricted discretion and full discretion relates to the effects that the rule is intending to manage, with restricted discretion used where those effects are known, clearly able to be identified and are the only effects needing to be managed. Conversely, full discretionary is better used where effects are less well-known or able to be defined, or where there are multiple effects needing to be managed and therefore the consideration required is broad.
64. In relation to the way that the plan manages commercial forestry activities in their own right (rather than, for example, through land disturbance rules), I note that these activities are now specifically managed under the NESPF and therefore in my view it is appropriate to retain the activity-based rules in the MEP. In my view, consideration of how the rule package aligns with the NESPF is of more relevance now than the pre-NESPF rules adopted by other local authorities. In relation to pre-consultation, it is my view that matters relating to this are not justification for the removal of provisions in the MEP, especially given the removal of such provisions could affect the achievement of the MEP's objectives, and would not meet the purpose of the RMA.
65. D Miller (123.1) considers that the value of long term carbon sequestration forestry to Marlborough should be investigated, noting the increase in the value of carbon credits may mean purely carbon forests that are not harvested may provide similar returns as production forest that is expensive to harvest, and may result in carbon forestry becoming a preferred option with the Marlborough Sounds. While seeking that his comments in relation to this matter are considered, it is not clear what, if any, changes to the MEP are sought. Given this, I am not in a position to recommend changes to the MEP in relation to carbon sequestration forestry.
66. P & T Beech (699.1) seek that where any forest is regarded an uneconomic and where the owners have no intention of reharvesting, they should be "*compelled to boom spray to kill all the regenerating pines and allow the native bush to regenerate.*" I have assumed that this relates to a forest that has been harvested and where the owner does not undertake replanting of this, for economic reasons. I am not aware of a mechanism under the RMA to require spraying or regeneration of native bush in these circumstances. My understanding is that MEP provisions can control the effects of activities undertaken on land, but cannot require that land be used only for a particular purpose (such as regeneration).
67. Warren Forestry Ltd (282.1, 282.6) raise concerns that the general theme across the MEP is one that is negative to forestry, despite, in their view, that forestry is the least environmentally damaging land use and the more environmentally valuable land use. They seek (in addition to alignment with the NESPF) that the MEP rules are amended to be more positive and to encourage best practise while encouraging forestry, instead of discouraging existing uses by requiring consent. My view is that the alignment of the MEP with the NESPF will address a number of the submitters' concerns. I also note that because of the NESPF, the MEP can only include rules restricting forestry for the reasons set out in the NESPF (i.e. where it is anticipated that more stringent rules may be required) or to address effects not managed under the NESPF. In my view, consideration of the need to regulate in these circumstances needs to take into account potential adverse effects and cannot ignore management of such effects simply because there may also be positive effects and regardless of the particular industry or type of land use.

68. Ernslaw One Ltd (505.1, 505.18) generally oppose the use of regional rules to regulate plantation forestry as they consider that this extinguishes existing use rights that are provided for the use of land under Section 10 of the RMA. They generally seek a permitted activity status for forestry activities where the plantation forest was lawfully established. This is opposed in a further submission by Trustpower, who consider that forestry harvesting can have effects that require consideration under the regional rules of the MEP. My understanding is that regional rules must relate to the functions of regional councils as set out in Section 30 of the RMA, whereas district plan rules must relate to the functions of territorial authorities under Section 31. I note that regional rules can manage the use of land, for example, under Section 30(1)(c)(i) land use activities can be controlled for the purpose of soil conservation or under (ii) for the maintenance and enhancement of the quality of water in water bodies and coastal water or under (iii) for the maintenance of the quantity of water in water bodies and coastal water. In my view, the controls on planting relate, in many cases, to these functions. The existing use rights provided under Section 10 apply only to district plan rules and therefore in my view, provided the regional rule falls within the specified functions of a regional council, the activity would not be entitled to existing use rights.
69. NZ Forest Products (995.28, 995.29, 955.37) seek that the MEP is amended to include a notification standard that precludes public or limited notification of any resource consent application for commercial forestry planting or harvesting, including associated land disturbance and culvert creation activities, on the basis that forestry activities are anticipated in the Rural Environment Zone. It is my opinion that while some activities may be anticipated within a zone, this does not mean that any range of adverse effects from such an activity would not warrant notification. I therefore do not agree that a blanket preclusion of any notification is appropriate. My understanding is that where consent is required under the NESPF (for example where the permitted standards in the regulation are not met), there is no express provision for non-notification either.
70. Nelson Forests Ltd (990.2, 990.3) seeks that for controlled or restricted discretionary activities, a statement be added under all such rules outlining that applications may be considered without notification or the need for affected party approval in accordance with section 94(1A) of the RMA. They state that no provisions have been made within the MEP for applications to be considered without the need for notification or affected party approvals. I note that Section 94 of the RMA has been repealed. In any case, I do not consider it helpful to add a generic statement that simply states what the RMA sets out in relation to notification. This is different to where an activity or rule is expressly identified as one where notification or written party approval is not required.

Definition of Commercial Forestry

71. Nelson Forests Ltd (990.5) (990.7) seek that all reference to commercial forestry/forests be changed to plantation forestry/forests, stating that this is the recognised terminology for planted forests and is consistent with the draft NESPF. They also state that there is no overriding definition of 'commercial forestry' and seek that 'plantation forestry' is defined as followed:
Growing trees and removing them from the land, to produce timber and/or fibre, or where the land cover is principally timber tree species. Forest has a corresponding meaning. It includes:
- *Accessory land preparation*
 - *Accessory tracking or roads, landings or other accessory earthworks*
 - *Clearing understorey*
 - *Harvesting trees (including de-limbing, trimming, cutting to length, and sorting and grading of felled trees*
 - *recovery of windfall and other fallen trees*
 - *Planting trees*
 - *Replanting trees*
 - *Tree alteration*
 - *Replanting trees*
 - *Thinning trees*
 - *Accessory vegetation removal*
72. Federated Farmers (425.385) seek that the definition of 'commercial forestry' be amended to exclude "trees planted for amenity purposes, such as landscape enhancement and animal shelter; all farm shelter belts; erosion control, riparian margin strips; for scientific or research purposes; or where the

trees are intended to remain in perpetuity, such as trees contained within a QEII covenant or similar". They state that this approach is consistent with the Greater Wellington Regional Council definition and would ensure that these activities are not unintentionally regulated given that they do not have the same resource management issues as commercial forestry. They further seek that small-scale farm forestry (for example 10ha) be excluded from the definition.

73. D C Hemphill (648.46) seeks that the definition of 'commercial forestry' and 'forestry road' be aligned with those of the draft NESPF.

74. I note that the MEP does already include a definition of 'commercial forestry' ("*Means indigenous or exotic tree species deliberately established for wood production*") so I do not consider that there is a need to include the new definition sought by Nelson Forests Ltd. The definition of 'plantation forest' from the NESPF is as follows:

plantation forest or plantation forestry means a forest deliberately established for commercial purposes, being—

(a) *at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and*

(b) *includes all associated forestry infrastructure; but*

(c) *does not include—*

(i) *a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or*

(ii) *forest species in urban areas; or*

(iii) *nurseries and seed orchards; or*

(iv) *trees grown for fruit or nuts; or*

(v) *long-term ecological restoration planting of forest species; or*

(vi) *willows and poplars space planted for soil conservation purposes*

75. As identified in the NESPF alignment exercise, the NESPF and MEP definitions encompass the same matters. Notwithstanding that, I agree that there is benefit in aligning the definitions within the MEP with those used in the NESPF, to avoid doubt. In my view, there are several options available to the Hearings Panel to do this:

- Replace all references within the MEP from 'commercial forestry' to 'plantation forestry' (including in objectives, policies, methods and explanations), delete the definition of 'commercial forestry' from the MEP and replace with the above NESPF definition (or reference to it); or
- Retain references to 'commercial forestry' but amend the definition of 'commercial forestry' to either replicate the NESPF definition above or refer to it.

76. Notwithstanding that I consider the MEP could be amended to refer to plantation forestry, I have continued to refer to it as commercial forestry in this report, as per the notified version of the MEP. To avoid confusion, references to commercial forestry should be read as also meaning plantation forestry as that is defined in the NESPF.

77. In relation to the definition of 'forestry road', I agree that there is benefit in aligning the definition with that in the NESPF, and recommend that the definition is amended by either replicating the NESPF definition or referring to it.

Recommendation

78. I recommend that the definition of 'commercial forestry' is amended as follows:

~~Means indigenous or exotic tree species deliberately established for wood production a forest deliberately established for commercial purposes, being—~~

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes⁶

79. I recommend that the definition of 'forestry road' is amended as follows:

~~means a road suitable for use by vehicles which can be a permanent feature on the land, but does not include a harvesting track that has the width, grade, strength, and pavement surface that allows a fully laden logging truck to safely traverse it and has all-weather access; but does not include a road managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency.~~

Commercial Forestry Planting Rules – Rural Environment Zone (3.1.6, 3.3.6 and 3.7.1)

80. Rule 3.1.6 provides a permitted activity status for commercial forestry planting and carbon sequestration forestry planting (non-permanent). Standard 3.3.6 sets out the permitted activity standards for these activities. Standard 3.3.6.1, and sub-clauses (a), (b), (c), (d), and (h) of Standard 3.3.6.2 have been superceded by the NESPF, and that part of sub-clause (e) relating to Water Resource Units with a Natural State classification. Submissions on or relating to these standards are therefore not addressed further.⁸ Standard (e) has been amended to align with the setbacks in the NESPF in relation to significant natural areas (Significant Wetlands) for new planting, and Standard (j) has been reduced in effect such that it only applied to new planting, not replanting.
81. Having removed the duplication from the NESPF, Standard 3.3.6 reads:

3.3.6. Commercial forestry planning including where managed by the National Environmental Standards for Plantation Forestry 2017, and carbon sequestration forestry planting (non-permanent).

3.3.6.2. *Planting must not be in, or within:*

- (e) *10m of a Significant Wetland, or in the case of replanting, 8m;*
- (f) *200m of the coastal marine area;*

⁶ 648.46 - D C Hemphill

⁷ 648.46 - D C Hemphill

⁸ 425.523 – Federated Farmers, parts of 715.379 – Forest & Bird, parts of 1201.135 – Trustpower, 41.1 – E R Beech, 149.13 – PF Olsen Ltd, 167.22 – Killearnan Ltd, 282.5 – Warren Forestry Ltd, 340.5 – B L & C F Leov Bulford, 343.2 – M Douglass, 348.35 – M Chapman, 351.13 – H M Ballinger, 368.5 – K & S Ponder-West, 369.4 – T Hawke, 423.7 – C Shaw, 439.1 – J W Oswald, 454.70 – K F Loe, 469.10 – I Bond, 476.2 – SMLRT, 496.80 – Forest & Bird, 505.25, 505.41 – Ernslaw One Ltd, 542.1 – A Tester, 640.28 – D & C Robbins, 692.1 – E R Beech, 738.31 – G V Robb, 935.28 – M J Robb, 962.15 – MFIA, 990.42 – Nelson Forests Ltd, 1017.11 – P G Gilbert, 1054.1 – R Bothwell, 1124.22 – S MacKenzie, 1179.5 – T R Stein, 1193.3 – MEC, 1238.40 – Windermere Forests Ltd, 1250.11 – J S Fowler, 1265.1 – Queen Elizabeth the Second National Trust.

- (g) *an Afforestation Flow Sensitive Site;*
- (i) *the Limestone Coastline Outstanding Natural Feature and Landscape;*
- (j) *the Wairau Dry Hills Landscape, excluding replanting.*

3.3.6.3. *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.*

82. Submission points relating to 3.3.6.2(g), which pertain to planting within an Afforestation Flow Sensitive Site will be addressed in the Section 42A report for Topic 4 – Water Allocation and Use.
83. Rule 3.7.1 explicitly lists particular planting as a prohibited activity and has been reduced in effect from its notified version as a result of the NESPF alignment exercise, so that it now only applies within the coastal environment. It reads as follows:

[R, D]

3.7.1(a) *Commercial forestry planting, and carbon sequestration forestry planting (non permanent) within the coastal environment on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial or carbon sequestration (non-permanent) forestry.*

84. The objective and policy framework relevant to these provisions includes Objective 14.1, which seeks that *‘Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed’*. Policy 14.1.4 directs that primary production activities be managed to ensure that they are carried out sustainably and address potential effects of a range of identified matters, including:
- (b) natural character of rivers, wetlands and lakes – relevant to 3.3.6.2(e);
 - (c) water quality and water availability – relevant to 3.3.6.3;
 - (d) areas with landscape significance – relevant to 3.3.6.2(i) and (j);
 - (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna – relevant to 3.3.6.2(e);
 - (f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment – relevant to 3.3.6.2(f)
85. Policies 7.2.2 and 7.2.7, which are contained in the Landscape Chapter, are also relevant to 3.3.6.2(i) and (j), including directing that resource consent is required for commercial forestry activities in the Wairau Dry Hills Landscape, and that the values of ONF/Ls are protected by encouraging plantations of exotic trees to be planted in a form that complements the natural landform.
86. Objective 15.4 is also relevant to Rule 3.7.1, which seeks that the quality of Marlborough’s soil resource is maintained and enhanced, with Policy 15.4.3 directing that land use activities are controlled *“to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters”*. Similarly, Policy 15.1.29 directs that land disturbance activities are controlled in order to mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water. Although these relate more specifically to land disturbance (and therefore are relevant to harvesting), as is expanded on further below, because planting is the precursor to harvesting, the rule seeks to avoid the potential for conflict with these policies to arise as a consequence of planting in new areas.

Submissions and Assessment

87. A number of submitters⁹ generally support the permitted activity status for commercial forestry planting and non-permanent carbon sequestration forestry planting (Rule 3.1.6). In some cases, the support is subject to changes specified elsewhere in their submission and discussed elsewhere in this report. Pernod Ricard (1039.118) support the permitted activity standards (Rule 3.3.6).

Additional Standards

88. Trustpower (1201.135) states that commercial forestry planting can present issues where trees grow in close proximity to electricity transmission lines and therefore seek that a new clause is added to 3.3.6.2, as follows:

(k) 10m of the centerline of electricity transmission lines.

89. Similarly, MLL (232.9, 232.25) seek that an additional standard is added to require a 40m wide setback from their distribution circuit.¹⁰ (This is also sought in relation to commercial forestry replanting within the Coastal Environment, under Rule 4.3.6). They consider that planting within this setback should require consultation with MLL, with the intention being to restrict the establishment of species that at maturity would be within the “fall distance” of the distribution circuit and will not compromise the requirements of the Electricity (Hazards from Trees) Regulations 2003. They consider that vegetation management in proximity to the distribution circuit is essential because of the potential risks to public safety and reliability of supply that are exacerbated by vegetation in proximity to lines. Nelson Forest Limited and Nelson Management Limited further submit that as the Electricity Regulations determine setback distances from power lines, it is not appropriate to impose these in RMA Plans.
90. Nelson Forests Ltd oppose, through further submission, the setback sought by Trustpower and MLL, which they consider to be excessive regulation that goes beyond effects management and imposes costs in excess of the benefits. They state that setbacks from powerlines are already covered by the Electricity Act.
91. My understanding is that as this control would relate to an effect that is not managed under the NESPF (effects on network utility infrastructure), the type of permitted activity standard sought by these submitters could be included in the MEP (under Section 43A(5)). However, in my view, because this is a matter regulated under the *Electricity (Hazards from Trees) Regulations 2003*, I do not consider it necessary, with my preference being for an advice note. I also note that this was a matter considered in Topic 20 – Utilities & Designations, where it was recommended that an advice note be added to the MEP referring to Electricity (Hazards from Trees) Regulations 2003, and my view is that if the Hearings Panel agree to include either an advice note or standard in relation to this matter, that it applies in all cases, i.e. to commercial forestry, woodlot forestry and conservation planting.

Permitted Activity Status

92. PF Olsen Ltd (149.9) support the permitted activity status for replanting as they consider this should be an automatic right except where there are very well defined reasons. They raise concerns that it is not clear why replanting of an existing forest is included along with new planting, and consider that these should be separated. Similarly, MFIA (962.149) and Nelson Forests (990.41) also seek that planting and replanting are separated, because they consider that there are legal differences between the two activities. Given the reduction of the standards applicable to planting as a result of the NESPF alignment, it is my view that it is appropriate for the remaining rule and standards to apply to both new planting and replanting (subject to matters discussed further below). Where an existing plantation has had adverse effects, I do not agree that it should follow that these effects can be re-established without regulation. For example, where a commercial forestry planting close to a Significant Wetland has had a significant adverse on the wetland, I consider it appropriate that the replanting be considered through a consent process.

⁹ 454.69 - K F Loe, 476.1 - SMLRT, 712.93 - Flaxbourne Settlers Association, 1201.134 - Trustpower

¹⁰ This request is also made in relation to woodlot forestry planting and conservation planting, which were addressed in Topic 20 – Utilities & Designations.

93. NZ Forest Products (995.25) oppose there being no permitted activity status for commercial forestry replanting in the Rural Environment Zone, seeking that an additional permitted activity is added for this. This would be subject to standards requiring an 8m setback from a river (except an ephemeral river), a lake or a Significant Wetland, and 30m from the CMA. I note that the definition of 'commercial forestry planting' includes replanting and therefore this is already provided for as a permitted activity, subject to the standards set out 3.3.6.2. As such, I consider that what is sought by the submitter is already provided for and an additional rule is not required.
94. Nelson Forests Ltd (990.37) seek that 'plantation forestry' is inserted as a permitted district activity under Section 3.1, stating that the MEP would be better served if commercial forestry is recognised as an activity managed via the district council functions (Section 31 of the RMA) , with activities within commercial forestry activities that relate to a regional function being covered by way of land disturbance activities. As set out earlier in relation to the broader submission point, I do not agree that the regional council functions relating to forestry should be managed through land disturbance rules rather than activity-based rules. Given this, and the fact that currently within the MEP commercial forestry planting is already listed as a permitted activity under a district rule (Rule 3.1.6 is both a regional and district rule), I do not consider the changes sought by the submitter are appropriate.

Standard 3.3.6.2

95. Standard 3.3.6.2 restricts the location of planting in proximity to Significant Wetlands and the CMA. It also restricts (and therefore requires consent for) planting within an Afforestation Flow Sensitive Site, the Limestone Coastline ONF/L and the Wairau Dry Hills Landscape.
96. Forest & Bird (715.379) raise a number of concerns with the permitted activity standards, the majority of which (relating to wilding risk, setbacks from rivers and erosion-prone land) are superseded by the NESPF. In relation to standards that are still relevant, they consider that an 8m setback from wetlands is not enough to prevent further loss.
97. Federated Farmers (425.524) also seek a range of changes to Standard 3.3.6.2 that are superseded by the NESPF. Of those that are not, they seek that (f) is amended to reduce the setback from the CMA from 200m to 30m; and seek that clauses (i) and (j) are deleted. They state that a 30m setback is more appropriate although no details are provided as to why this is the case. In relation to the ONLs they state that primary production is a legitimate land use in the Wairau Dry Hills and Limestone Coast ONL and forestry can also be an appropriate land use within such a landscape, and further that forestry is an existing and appropriate land use that will not adversely affect the amenity values associated with these ONLs. Killearnan Ltd (167.21) query standards (f) and (j) stating that they would cause significant hardship for a number of forest owners. They consider that they are not justified or environmentally sound.
98. PF Olsen Ltd (149.14) seek a range of changes to Standard 3.3.6.2 that are superseded by the NESPF. Of those that are not, they consider that a setback of 5m from wetlands has been established as appropriate. They also consider that the 200m setback from the CMA is a major imposition on foresters which removes property rights and limits land use options and do not consider that the benefits of the setback are established. In relation to (j) they note that the Wairau Dry Hills landscape is not an ONL and state that it is derivative of major land and ecological modification due to pastoral agriculture. They consider that dryland tree forestry may prove a more sustainable land use and provide higher ecological values.
99. In relation to the setback from Significant Wetlands, I firstly note that as these fall within the definition of 'significant natural areas' within the NESPF, the setback applicable under the NESPF for new planting is 10m, which is reflected in the changes to the standard. There is no ability under the NESPF for the standard in the MEP to be more lenient, i.e. it cannot be reduced to 5m. It could, however, be increased, if this was considered appropriate. The 8m setback has been retained in relation to replanting, because the standard can be more stringent than the NESPF (which manages replanting separately to afforestation/new planting). I note that this specific standard was not addressed in the Section 42A report for Topic 6 – Significant Wetlands, but the consideration of a number of other MEP rules that impose an 8m setback from Significant Wetlands, including those

relating to woodlot planting and conservation planting were considered.¹¹ In relation to similar submission points raised by Forest & Bird and other submitters in relation to these setbacks, the author noted that in reviewing the existing plan provisions, consideration had been given to whether the use of 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The only changes recommended to other 8m setbacks across the MEP related to providing an exception for some activities (vegetation clearance and use of wheeled or tracked machinery), where these are fenced in a specified way, and in my view are not relevant here. In my view, it is therefore appropriate to keep the 8m setback.

100. In relation to the setback from the CMA, I note that the NESPF allows for the rule to be more stringent than the NESPF if the setback is related giving effect to Policy 22 of the NZCPS, which requires that use and development not result in a significant increase in sedimentation in the CMA or other coastal water and directs that the impacts of harvesting plantation forestry on sedimentation be controlled (the precursor to which is the establishment or replanting of forestry). However, I note that the NESPF includes a requirement that afforestation or replanting not occur within 30m of the CMA (Regulation 14(3)(c) and 78(2)(c)). Therefore while the MEP can be more stringent in relation to this, I consider it important to establish if this is appropriate to achieve the aims of the MEP. I also note that the 200m setback proposed in the MEP reflects the current setback within the WARMP. I understand that this setback was agreed by various parties through the appeals phase of that plan. However, I have been advised by Council officers that this setback was largely imposed for landscape reasons. Under the NESPF, the standard could still be retained on the basis that it recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development (Regulation 6(2)(a)). Again, it is therefore necessary to consider if this is necessary and appropriate to achieve the aims of the MEP.
101. Under the MEP, there are long parts of the south Marlborough coastline that have ONF/L status including Wairau Lagoon, White Bluffs and the Limestone Coast. These areas are managed with respect to planting via the controls on ONF/Ls. Of the areas along the coast outside the ONF/Ls, I have been advised that large areas of this are either administered by the Department of Conservation or planted as vineyards and therefore unlikely to be planted in commercial forestry. The remaining areas, as I understand it, are vulnerable from forestry from a landscape perspective, rather than a sedimentation risk. In particular, this includes the Wharanui coastline, which has been identified in the Marlborough Landscape Study as a Visual Amenity Landscape, albeit not included in the MEP as such. If it was included in the MEP as a Visual Amenity Landscape, the MEP could include rules relating to this, the effect of which would result in forestry within it becoming a controlled activity (under Regulations 13 and 15(3)).
102. Given this, my view is that it is not appropriate to retain the 200m setback from the CMA, because the intent of the standard is to manage the effects of forestry in relation to landscape effects, not in relation to sedimentation. In my view, because the landscape effects are managed in other ways under the MEP or the NESPF, the additional 200m setback is not required to manage effects on landscape values. I therefore recommend that it be deleted. The effect of this is that a 30m setback would still apply from the CMA, under the NESPF.
103. In relation to the standard relating to the ONF/L, I note that while the submitter states that forestry is an appropriate land use that will not affect the values associated with the ONF/L, they do not provide any technical evidence to support this assertion. In any case, deletion of the standard would have limited effect in relation to afforestation because under the NESPF afforestation within an ONL is not permitted,¹² and therefore the deletion would only practically provide for replanting within an ONL. I also note that if the submitter's assertions are correct – that forestry can also be an appropriate land use within such a landscape, and that it will not adversely affect the amenity values associated with these ONLs – then it follows that any application for resource consent would likely meet the policy direction within the plan and be granted consent. Unless it is certain that this would be the case in most or all instances, I consider it appropriate to require consideration on a case-by-case basis, through a resource consent application. However, I consider that replanting (which by definition falls within this rule) is different. I have discussed this with James Bentley (Boffa Miskell) who provided evidence in Topic 5 – Natural Character and Landscape, who has confirmed that where forestry

¹¹ Refer to paragraphs 44 – 210.

¹² Refer Regulations 12 and 16(2)(a).

already exists within an ONF/L, the effects of this are already established in that area and therefore replanting does not change or increase the existing impacts. I therefore recommend that standard (i) is amended so that it does not apply to replanting.

104. In relation to the standard relating to the Wairau Dry Hills Landscape, I accept that this is not an ONL, but note that it would be considered a visual amenity landscape under the definition of that in the NESPF, and under Regulation 13, afforestation within such a landscape is not permitted if this is identified in a plan provision. However, the effect of the identification within a plan provision is such that under Regulation 15, afforestation becomes a controlled activity. This means that the effect of retaining the standard is that planting within this landscape is a controlled activity and such a consent could not be declined. Consideration of the effects of planting within this landscape could however be considered and conditions imposed to address any adverse effects. The retention of the standard would also be consistent with the direction in Policy 7.2.2 to control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape, including by requiring resource consent for commercial forestry activities.
105. While I generally consider it appropriate to control planting in this landscape I am not entirely convinced that the controlled activity status will practically be able to achieve much because such an application cannot be declined and I have struggled to think of what kinds of conditions could be lawfully imposed on an application that would address the effects on the landscape. Notwithstanding this, I consider it better to retain the standard and some level of control, rather than remove the standard entirely and have no controls on planting. If the Hearings Panel consider it most appropriate to delete the standard then I recommend that a consequential change be made to Policy 7.2.2(b).

Standard 3.3.6.3

106. This standard requires that:
- “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.”*
107. K F Loe (454.72) supports the standard. Killearnan Ltd (167.20) Reade Family Holdings (318.10), Ernslaw One Ltd (505.29) and Nelson Forests (990.52) oppose the standard, as they consider that commercial forests do not contaminate sources of human drinking water and rather that forests can protect or improve drinking water quality. Similarly, Windermere Forests Ltd (1238.26) consider the standard to be vague and query the necessity as in their view contamination is more likely to occur from other land use activities.
108. I note that the wording of the standard is such that if the submitter is correct that afforestation would not cause contamination, then the standard would be met. This does not, therefore, appear to raise a conflict and does not seem reason to delete it. I also note that the standard is applied to other activities within the MEP, and the NESPF anticipates that rules may be included within plans that are more stringent than the NESPF where they are *“conducted within 1km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a water body”*. As an alternate to the current standard, the specific wording from the NESPF could be used, but in my view it is more restrictive than the current standard (because it would require consent where within the 1km distance, regardless of whether this caused contamination) and would not align with the standards across the MEP. I therefore consider it appropriate to retain the current standard.
109. Ernslaw One Ltd (505.29) also seeks a range of amendments to the MEP to better give effect to the NESDW, for example through strengthening the MEP’s permitted activity conditions and calling in various existing resource consents. I note that the submitter does not identify where the MEP is deficient in this regard in terms of specific provisions and note that this topic more broadly has been considered in other Section 42A reports that include permitted activity standards with similar conditions relating to drinking water supplies. In my view, the calling in of consents is a matter for the Council to consider that is separate to making decisions on the MEP.

Default Discretionary Rule (Rule 3.6)

110. PF Olsen Ltd (149.43) opposes the default to a discretionary activity status for forestry activities within the Rural Environment Zone (Rule 3.6), seeking that the status is reviewed and the rule cascade amended. They consider that the immediate default to full discretion (rather than controlled or restricted discretionary) “*where discretions related directly to the effects and mitigations required is completely unjustified by the magnitude of the effects, the options available to avoid remedy or mitigate and the technical and scientific basis proffered by council. Many are also disproportionate to the continuous effects arising from other landuses that receive less attention.*”
111. As noted earlier, my view is that the use of a fully discretionary status does not relate to the significance of effects anticipated or the ability to mitigate such effects. Rather, its use relates to whether the known or expected effects of a particular rule breach are either of such low concern and/or can be managed through consent conditions on all occasions, such that a consent would never need to be declined (and therefore a controlled activity status could be more appropriate) or where the effects that are required to be managed are known and discrete in nature (and therefore a restricted discretionary status could be more appropriate.) In absence of the submitter identifying where particular breaches of permitted activity standards could be managed through a controlled or restricted discretionary status, and including the associated matters of control or discretion, I am able to assess the appropriateness of this request. For completeness, I note that as part of the Section 42A report on Topic 1: General, wider consideration was given to the use of a default discretionary activity status, and the Hearing Panel’s consideration of those submissions may also be relevant here.

Prohibited Activity Rules

112. Rule 3.7.1 prohibits commercial forestry or carbon sequestration forestry planting where it is on land identified as Steep Erosion-Prone Land that has not previously been planted in lawfully established forestry¹³. The application of this rule has been reduced as a result of the alignment with the NESPF, such that it only applies where within the coastal environment, because it is only in relation to giving effect to Policy 22 of the NZCPS (which relates to sedimentation in the CMA) that the rule can be more stringent than the NESPF¹⁴.
113. Federated Farmers (425.616) oppose the prohibited activity status, stating that it inappropriately prohibits a land use that has many benefits from occurring within these areas and raising concerns that will be managed by the NESPF. They seek that the rule is deleted. Beef and Lamb (459.47) seek that the activity status is amended to discretionary. This is part of the submitter’s general concerns about the use of prohibited activity status within the MEP, which they note is the most restrictive of any activity class and consider should be used with care. They state that the decision to use the prohibited activity class should be backed with strong evidence of its necessity, such as high risk of significant adverse effects and irreversibility, and backed through objectives and policies. They consider that it must be determined that the prohibited activities that should not be occurring within the region are activities that Council has a function or duty to administer and manage under section 30 of the RMA and are a significant issue for the region. NZ Forest Products (995.26) oppose the prohibited status on the basis that the prohibited activities may in some circumstances be able to be undertaken in an appropriate matter, including where on steep, erosion-prone land. Conversely, MEC (1193.7) support the prohibited activity status.
114. I note that as a result of the NESPF alignment exercise the application of the rule has been reduced, such that it is only where within the coastal environment, and on land identified as Steep Erosion-Prone Land, and on land not currently or previously used (lawfully) for forestry that the rule applies. In essence, it prohibits a particular new land use being established in an area where the effects of that activity are known to have the highest risk of causing sedimentation within coastal waters. It is my view that this is an appropriate way to give effect to Policy 22 of the NZCPS.

¹³ The rule also applies to woodlot forestry planting, which has been considered in Topic 12: Rural Environments. As a result of the NESPF alignment exercise, the rule has been split so that as it relates to woodlot forestry it is retained in full as clause (b).

¹⁴ The relevant parts of Policy 22 are:

- (2) *Require that subdivision, use or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.*
- (3) *Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.*
- (4) *Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.*

Definition - Commercial Forestry Planting

115. The definition of 'Commercial forestry planting' within the MEP is:
- means indigenous or exotic tree species deliberately established for wood production. Includes the planting, management and replanting of trees, and the preparation of land for planting.*
116. The definition is supported by K F Loe (454.73). Windermere Forests Ltd (1238.28) seek that replanting is removed from the definition, as does Warren Forestry Ltd (282.3), as they consider this should be encouraged. MFIA (962.121) also seek that replanting is deleted from the definition, stating that it has the protection of existing use rights under section 10 of the RMA. Further (962.122) they seek that it be amended to add "*including excavation*" so that it also provides for excavation as a land preparation tool. Similarly, Nelson Forests Ltd (990.12) also seeks that "*including excavation and land disturbance*" is added to the definition.
117. P G Gilbert (1017.1) raises concerns that as the definition of commercial forestry planting includes replanting, and planting is listed as a discretionary activity within the Coastal Environment Zone, while replanting is listed as permitted, it is not clear if replanting is permitted or discretionary. He therefore seeks that the definition of planting deletes reference to replanting. In addition, he notes that the definition does not include formulation of tracks and roads to provide access to undertake the planting, seeking that the definition is extended to include "*and the excavation or filling, or both, to prepare the land for planting or replanting (for example forestry road or forestry track construction or maintenance).*"
118. Federated Farmers (425.386, 425.387) seek that the definitions of commercial forestry planting (and commercial forestry harvesting) be deleted on the basis that there is no need to have separate definitions for commercial forestry planting and commercial forestry harvesting, rather than there should be a single definition of these as one activity, being commercial forestry.
119. The NESPF definition of 'afforestation' and 'replanting' read as follows:
- afforestation -**
- (a) *means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years; but*
- (b) *does not include vegetation clearance from the land before planting.*
- replanting** *means the planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred*
120. As set out earlier, I agree in a broad sense with ensuring that the definitions align with those in the NESPF to provide clarity, by either replicating the NESPF definition, or by way of reference to the relevant NESPF definitions, and such changes are set out in the recommendations below. Beyond this change, because forestry roads and tracks are managed separately under the NESPF from planting, I do not agree with P G Gilbert that the definition for planting should be extended to include this. Similarly, I do not agree with adding "*land disturbance*" to the definition, because the definition of land disturbance within the MEP includes vegetation clearance, whereas the NESPF definition explicitly excludes this.
121. As set out earlier, I do not agree that it is necessary to remove replanting from the definition of planting, nor has the Environment Court (to my knowledge) confirmed that replanting falls within existing use rights (which in any case would only apply to land use under a district rule). However, as noted above, there are some cases where I consider that the standards applicable to new planting and replanting should be distinguished. I agree with P G Gilbert that there is a difficulty with the current definitions as they apply within the Coastal Environment Zone, but in my view this is better addressed through amendments to the Coastal Environment Zone rules, which are discussed further below.
122. I disagree with deleting the definitions of both commercial forestry planting and commercial forestry harvesting and relying only on the definition of commercial forestry. This does not align with the way the rules in the MEP manage the two as separate activities, nor would that approach be consistent

with the NESPF which similarly manages these are separate activities, and includes separate definitions for each ('harvesting' and 'afforestation').

Recommendation

123. I recommend that Rule 3.1.6 is retained as notified.

124. I recommend that Standard 3.3.6 is amended as follows:

3.3.6. Commercial forestry planning including where managed by the National Environmental Standards for Plantation Forestry 2017, and carbon sequestration forestry planting (non-permanent).

3.3.6.2. *Planting must not be in, or within:*

(e) 10m of a Significant Wetland, or in the case of replanting, 8m;

~~(f) 200m of the coastal marine area;~~¹⁵

(g) an Afforestation Flow Sensitive Site;

(i) the Limestone Coastline Outstanding Natural Feature and Landscape, excluding replanting¹⁶;

(j) the Wairau Dry Hills Landscape, excluding replanting.

3.3.6.3. *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.*

Note: Planting in the vicinity of electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.¹⁷

125. I recommend that Rule 3.7.1 is retained without amendment.

126. Delete the definition of 'commercial forestry planting' and replace it with the following:

Means:

(a) planting and growing commercial forestry trees on land where there is no commercial forestry and where commercial forestry harvesting has not occurred within the last 5 years; but does not include vegetation clearance from the land before planting; and

(b) replanting commercial forestry¹⁸

Commercial Forestry Harvesting Rules – Rural Environment Zone (3.1.7, 3.3.7 & 3.7.3)

127. Rule 3.1.7 provides for commercial forestry harvesting as a permitted activity, subject to meeting the permitted activity standards set out in 3.3.7.

128. Rule 3.7.3 explicitly lists the following as a prohibited activity:

¹⁵ 149.14 – PF Olsen Ltd; 167.21 – Killearnan Ltd; 425.524 – Federated Farmers

¹⁶ 425.524 – Federated Farmers

¹⁷ 232.9, 232.25 – MLL, 1201.135 - Trustpower. Also relates to 232.6, 2.3.7, 232.8 – MLL; 1198.86, 1198.97, 1198.137 - Transpower

¹⁸ Relates to 425.354, 425.355, 425.356, 425.357, 425.358, 425.359, 425.360, 425.361, 425.362, 425.363, 425.364, 425.365, 425.366, 425.367, 425.369, 425.370, 425.625 – Federated Farmers, 505.23, 505.24 – Ernslaw One Ltd, 962.144, 962.145 – MFIA, 282.5, 282.6 – Warren Forestry Ltd, 990.4, 990.6 – Nelson Forests Ltd, 1084.10 – Raeburn Property Partnership.

[R, D]

3.7.3. *Carbon sequestration forestry (permanent) harvesting.*

129. Standards 3.3.7.1, 3.3.7.2, 3.3.7.3(a), 3.3.7.5, 3.3.7.6, 3.3.7.7, 3.3.7.8, 3.3.7.12(c) and (d), 3.3.7.13, 3.3.7.15, 3.3.7.16, 3.3.18, 3.3.7.19 and 3.3.7.20 have been superseded by the NESPF and portions of 3.3.7.3(b), 3.3.7.9, 3.3.7.10, 3.3.7.11, 3.3.7.12(a) and (b), 3.3.7.14 and 3.3.7.17 have been reduced in application. Submissions on or relating to these standards are therefore not addressed further.¹⁹ Similarly, Appendix 22 which outlines requirements for a Commercial Forestry Harvesting Plan has been superseded because it is linked to Standards 3.3.7.1 and 3.3.7.2 which no longer have effect and therefore submissions on Appendix 22 are similarly not addressed.²⁰
130. Having removed the duplication from the NESPF, Standard 3.3.7 reads:

3.3.7 Commercial forestry harvesting.

3.3.7.3. *Harvesting must not be in, or within:*

- (b) 8m of a Significant Wetland;*
- (c) 200m of the coastal marine area.*

3.3.7.4. *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.*

3.3.7.9. *All trees must be felled away from a Significant Wetland or the coastal marine area.*

3.3.7.10 *Notwithstanding 3.3.7.9, where trees are leaning over a Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.*

3.3.7.11. *Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through a Significant Wetland or through the coastal marine area.*

3.3.7.12. *Trees, slash and soil debris must:*

- (a) not be left within 8m of, or deposited in, a Significant Wetland or the coastal marine area;*
- (b) not be left in a position where it can enter, or be carried into, a Significant Wetland or the coastal marine area;*

3.3.7.14. *Wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland.*

¹⁹ 149.15, 149.16, 149.17, 149.19, 149.20, 149.21, 149.22, 149.27, 149.30, 149.31 – PF Olsen Ltd, 167.10, 167.13, 167.15, 167.18, 167.19 – Killearnan Ltd, 318.11, 318.12, 318.13, 318.14, 318.15, 318.17, 318.19 – Reade Family Holdings, 336.12, 336.13, 336.14, 336.15, 336.16, 336.17, 336.18, 336.21, 336.23 – W I Esson, 343.1 – M Douglass, 368.3, 368.7 – K & S Ponder-West, 425.525, 425.526 – Federated Farmers, 440.9, 440.10, 440.11, 440.12 – I Esson, 469.12 – I Bond, 484.69 – Clintondale Trust, 496.85 – Forest & Bird, 505.30, 505.37, 505.38 – Ernslaw One Ltd, 542.2, 542.3 – A Tester, 640.30, 640.32 – D & C Robbins, 715.383, 715.391 – Forest & Bird, 738.33, 738.35 – G V Robb, 743.2 – G T Cooper, 935.30, 935.32 – M J Robb, 962.158, 962.159, 962.160, 962.161, 962.164, 962.165, 962.166, 962.167, 962.171, 962.173, 962.174, 962.176, 962.177, 962.178, 962.179, 962.180, 962.184, 962.185 – MFIA, 990.53, 990.54, 990.55, 990.56, 990.70, 990.71, 990.72, 990.73, 990.79, 990.80, 990.82, 990.83, 990.84, 990.85, 990.86, 990.89, 990.90, 990.92, 990.93, 990.94 – Nelson Forests Ltd, 1002.175, 1002.76 – NZTA, 1017.3 – P G Gilbert, 1054.2, 1054.3 – R Bothwell, 1238.33, 1238.45 – Windermere Forests Ltd.

²⁰ 149.69 – PF Olsen Ltd, 232.11 – MLL, 368.4 – K & S Ponder-West, 484.76 – Clintondale Trust, 501.86 – Te Runanga O Ngati Kuia, 504.28, 504.93 – Queen Charlotte Sound Residents Association, 688.174 – J & J Hellstrom, 715.428 – Forest & Bird, 845.22 – K R & S M Roush, 869.34 KCSRA, 972.4 – Millen Associates Ltd, 1002.271 – NZTA, 1042.21 – Port Underwood Association, 1140.32 – Sanford Ltd, 1198.165 – Transpower, 1201.152 – Trustpower. Parts of 699.1 – P & T Beech.

3.3.7.17. *Harvesting must not cause any conspicuous change in the colour or visual clarity of the water in a Significant Wetland or the coastal marine area, as measured as follows:*

- (a) *hue must not be changed by more than 10 points on the Munsell scale.*
- (b) *the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.*
- (c) *the change in reflectance must be <50%.*

131. The objective and policy framework relevant to these provisions includes Objective 14.1, which seeks that *'Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed'*. Policy 14.1.4 directs that primary production activities be managed to ensure that they are carried out sustainably and address potential effects of a range of identified matters, including:

- (b) natural character of rivers, wetlands and lakes – relevant to 3.3.7.3(b);
- (c) water quality and water availability – relevant to 3.3.7.4;
- (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna – relevant to 3.3.7.3(b), 3.3.7.9, 3.3.7.10, 3.3.7.11, 3.3.7.12, 3.3.7.14 and 3.3.7.17;
- (f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment – relevant to 3.3.7.3(c), 3.3.7.9, 3.3.7.10, 3.3.7.11, 3.3.7.12, 3.3.7.14 and 3.3.7.17

132. Objective 15.4 is also relevant to various standards in 3.3.7, which seeks that the quality of Marlborough's soil resource is maintained and enhanced, with Policy 15.4.3 directing that land use activities are controlled *"to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters"*. Similarly, Policy 15.1.29 directs that land disturbance activities are controlled in order to mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water. Policies 15.1.32 and 15.4.14 are also relevant in that they provide direction as to how resource consents are to be assessed in relation to land disturbance and disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody. As such, they provide direction where an activity requires consent for breaching one or more of the standards within Rule 3.3.7.

Submissions and Assessment

133. Various submitters²¹ generally support the permitted activity status for commercial forestry harvesting (Rule 3.1.7) or the permitted activity standards (Rule 3.3.7).²² In some cases, the support is subject to changes specified elsewhere in their submission and discussed elsewhere in this report.

134. Reade Family Holdings (318.21) seek that a controlled activity status be provided for commercial forestry harvesting if the permitted standards cannot be met, which they consider necessary so that foresters can have some degree of confidence that their investment will not be wiped out. Windermere Forests (1238.32) seek that where forestry is planted as a permitted activity or under a consent, the future ability to harvest the planting is not restricted by the Council with or without supporting earthworks.

135. I understand the point these submitters are making, in that where planting has legitimately occurred, it is reasonable to expect that it can be harvested, as this is ultimately the intention for the planting. That being said, it is my view that there are adverse effects associated with harvesting activities that require careful management, to ensure such effects are adequately addressed. This also takes into account that at the time the planting was undertaken, the effects of harvesting may not have been taken into account. In this case, a permitted pathway is provided where various standards are met, ensuring that harvesting can be undertaken, if undertaken in the prescribed manner. I also note that in two instances, the standards mean that legitimately planted areas cannot be harvested without

²¹ 149.10 – PF Olsen, 431.55 – Wine Marlborough, 457.55 - Accolade Wines, 479.191 – DOC, 715.378 – Forest & Bird, 909.46 – Longfield Farm, 1218.46 – Villa Maria.

²² 479.192 – DOC, 1201.149 - Trustpower

consent being required (where within 8m of a Significant Wetland, or 200m of the CMA). These are discussed further below in relation to Standard 3.3.7.3. In all other cases, as the permitted activity standards provide a permitted pathway provided the harvesting is undertaken in accordance with them, I consider that the permitted pathway with the use of standards is more appropriate than providing for harvesting of authorised planting without any restrictions. This is also consistent with the NESPF which provides for harvesting as a permitted activity but subject to standards. In my view, a controlled activity pathway where these standards are not met would only be appropriate if in all cases the breaches of the standards were expected to result in adverse effects that could be adequately addressed through consent conditions. I do not consider that this will always be the case here.

136. Nelson Forests (990.38) seek that all commercial forestry harvesting rules are deleted and are instead included under land disturbance, stating that the definition of land disturbance clearly provides for the activities that are singled out as commercial forestry harvesting. I note that as the NESPF specifically provides for harvesting it is more efficient, from a plan administration and interpretation perspective to retain specific rules for harvesting.
137. Trustpower (1201.136) opposes the provision for all commercial forestry harvesting activities as a permitted activity in the Rural Environment Zone. They state that they experience significant adverse effects on their schemes from such activities, such as forestry debris blocking intakes. They seek that forestry harvesting activities in the Branch catchment upstream of the weir and in the Waihopai catchment upstream of the Waihopai dam are controlled activities, and that Trustpower, as the owner and operator of the Waihopai and Branch HEPs, should be considered an affected party for any resource consent application. Nelson Forests Ltd oppose this in a further submission, as they consider it to be excessive regulation that goes beyond effects management and imposes costs in excess of benefits. In my view, if such control could be shown to relate to an effect that is not managed under the NESPF, the type of provision sought by these submitters could be included in the MEP (under Section 43A(5)). However my understanding is that the NESPF does manage debris relating to forestry activities, including general requirements relating to managing slash, and conditions relating to ground disturbance. Both of these include reference to effects on infrastructure, as follows:

67 Permitted activity conditions: ground disturbance

(2) *Disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in-*

(c) *Damage to downstream infrastructure and properties.*

69 Permitted activity conditions: slash and debris management

(3) *Slash from harvesting must not be deposited into a water body or onto the land that would be covered by water during a 5% AEP event.*

(4) *If subclause (3) is not complied with, slash from harvesting must be removed from a water body and the land that would be covered by water during a 5% AEP flood event, unless to do so would be unsafe, to avoid-*

(d) *damaging downstream infrastructure...*

138. My view is that without further evidence from Trustpower that the NESPF does not manage the effects that are of concern to them, the provision is not able to be included in the MEP.
139. Federated Farmers (425.527) seeks that the setback distances and excavation limits are adopted "*in line with the relief we have sought on the commercial forestry planning provisions and excavations provisions*". Given the setback distances in relation to planting are very different from those in Standard 3.3.7 it is not clear what changes are actually sought. To the extent that excavation limits are able to be more stringent than the NESPF, the submitter may wish to identify any remaining concerns.

140. Forest & Bird (715.380) state that harvesting rules should be linked to limits and targets set to give effect to the NPSFM so that consent is required and can be declined near FMUs that are over allocated or approaching their allocative limit for sediment or nutrient load. I note that the MEP can be more stringent where the rule is to give effect to a freshwater objective developed to give effect to the NPSFM. However, as the submitter has not identified the freshwater objectives within the MEP where additional management of forestry activities is required to give effect to these, I am unable to assess the requirement for, or appropriateness of any addition.
141. Forest & Bird seek (496.83, 496.84, 496.86, 715.380, 715.381, 715.382) that all 8m setbacks from waterbodies in standard 3.3.7 be increased to 20m. As discussed above in relation to the permitted standards for planting, the consideration of a number of other MEP rules that impose an 8m setback from Significant Wetlands were considered in the Section 42A report for Topic 6: Significant Wetlands.²³ In relation to similar submission points raised by Forest & Bird and other submitters in relation to these setbacks, the author noted that in reviewing the existing plan provisions, consideration had been given to whether the use of 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The only changes recommended to other 8m setbacks across the MEP relate to providing an exclusion where fencing in undertaken in a specified manner and in my view is not applicable here. In my view, it is therefore appropriate to keep the 8m setback.
142. Forest & Bird (715.380) also note that plantation forestry often surrounds or abuts areas of significant indigenous vegetation or significant habitat of indigenous fauna and consider that a setback from these areas is required to achieve section 6(c) of the RMA. I note that that MEP can be more stringent than the NESPF where the rule recognises and provides for significant natural areas. Within the MEP, significant areas that are specifically identified and mapped are Significant Wetlands, for which an alternate setback is provided (as discussed above) and Ecologically Significant Marine Sites, the potential effects on which are already managed through the setback from the CMA. Because other significant terrestrial sites are managed under the MEP through a more voluntary partnership-focussed approach, specifying a setback is problematic given the certainty required for a permitted activity. Therefore I do not recommend an additional setback is included in the MEP.
143. NZTA (1002.177) consider that commercial forestry harvesting can result in significant load increases to the road network, potentially affect its safe and efficient operation and that heavy vehicles can also damage the surface of the road carriageway. To address effects on the State Highway and its intersections with local roads, the submitter requests that it be notified prior to harvesting commencing, and that the Commercial Forestry Harvest Plan be required to address these matters and be submitted to the Transport Agency. They consider that commercial forestry that directly accesses a State Highway or that accesses a road that intersects a State Highway should be considered by a consent process, so that effects on the State Highway can be fully assessed and the effects appropriately managed. The following permitted activity standards have been proposed to address this:
- 3.3.7.21. Forestry vehicles must not directly access the State Highway or access a road that leads to a State Highway.*
- 3.3.7.22. Forestry vehicles must not cart loads on unsealed public roads within 24 hours of a rain event where more than 20 mm of rain has fallen on that road within any 24 hour period.*
144. In my view, such permitted activity standards could be included within the MEP (under Section 43A(5)), because they relate to managing an effect that is not managed under the NESPF (effects on network utility infrastructure). However, as explained further in this report, currently the definition of commercial forestry harvesting excludes the transportation of harvested logs. I have therefore considered this submission point where the submissions relating to this definition are discussed.
145. Sanford Ltd (1140.31) seeks that for forestry clearances of more than 50ha, there is a requirement to notify adjacent aquaculture farmers. In my view, this does not fall within the circumstances where the MEP can be more stringent than the NESPF so I do not recommend any changes to the MEP. However, from a practical point of view I note that the NESPF does require that notice of harvesting

²³ Refer to paragraphs 44 – 210.

is given in writing to the Council and the Council if it chose to could implement its own procedures around notification of adjoining properties.

146. Ernslaw One Ltd (505.56, 505.57) seek that the MEP provides for the loading of log barges in the CMA as a permitted activity. My understanding is that barging sites involve reclamation of the CMA, to create a finger of land that extends in the Coastal Marine Zone, As such, the Coastal Marine provisions would apply to the establishment of such barging sites, which include policy direction to guide decisions on applications for reclamations, in Chapter 13. It is my view that it would not be appropriate to provide a permitted activity status for reclamations associated with logging, as this would be inconsistent with the general approach to activities of this nature, and there is no evidence provided as to why a permitted status is appropriate in the context of the use of public space in the CMA. While I understand that barge sites can be an important means of transporting logs from inaccessible parts of the Marlborough Sounds, it is my view that the establishment of such sites should be considered through a consent process, as currently provided for by the provisions in Chapter 13 for the establishment of such sites for any consequential activity.

Standard 3.3.7.3

147. This standard requires that harvesting must not be in or within 8m of a Significant Wetland or 200m of the CMA.
148. D & C Robbins (640.29), G V Robb (738.32) and M J Robb (935.29) seek that clause (c) is amended to reduce the setback required from the CMA from 200m to 100m. They state that the setback is not practicable in some cases, such as where access in coastal areas is through forests and state that it would cause a loss of income from existing planted trees.
149. Killearnan Ltd (167.17) state that the 200m setback from the CMA is not justified and would render much of the Sounds uneconomic for forestry. They consider that the resulting change of land use in these areas if forestry activities are not permitted will bring far greater environmental impacts than those from the current land use.
150. PF Olsen Ltd (149.18) seek that the setbacks within the standard are amended to align with the NESPF, raising concerns that they are larger than those that had been considered in the development of the NESPF. In relation to the 200m setback from the CMA, they consider that it is unjustified by science in relation to water quality and protecting the Sounds environment and consider that it is being used to provide a discretionary pathway to consider a much broader range of effects such as landscape effects. Further, they consider that if the justification for the rule relates to sedimentation from forestry it is misconceived, stating that research has shown that "*most sediment from harvesting does not move off site from harvesting except where there is a direct connection to a flow path, from earthworks failures of direct connection with flow paths or by orders of magnitude, shallow land slides*". They note a number of measures they consider will address these potential effects, and state that the 200m setback will confiscate property rights within this area and lead to perverse outcomes where crops are abandoned, with consequential effects from this. They seek that the standard is aligned with the setbacks considered through the development of the NESPF, and that the 200m CMA setback is reduced to 20m provided other good practice is adhered to.
151. Ernslaw One Ltd (505.31) oppose clause (c), as they consider it will lead to a perverse outcome as owners will leave a strip of trees alongside the CMA. They consider it is better to enable the harvest, but subject to conditions to control replanting. They seek that it is amended to read: "*Harvesting machines must not venture within 10m of the coastal marine area.*"
152. Nelson Forests Ltd (990.68) and MFIA (962.163) consider that the 200m setback from the CMA is unjustified and there is no evidence that it will have any benefit compared to a 30 metre setback proposed in a draft of the NESPF. They seek it is reduced to 30m, and that the standard should also provide for the harvesting of commercial forests that were established before 9 June 2016. NZ Forest Products (995.24) also seek that the 200m setback is reduced to 30m. Nelson Forests Ltd (990.57) and MFIA (962.162) in addition to broader concerns regarding how Significant Wetlands have been identified on their land (addressed in the Section 42A report for Topic 6: Significant Wetlands), raise concerns with the application of this within Standard 3.3.7.3. They consider that recognition should be given to commercial forestry that has already been established within 8m of a

Significant Wetland. As such they seek that (b) is amended to add “*except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation)*” with the setbacks amended to align with the NESPF.

153. MEC (1193.4) seek that the standard is amended to add “*encourage native regeneration within the setbacks*”.
154. In relation to the 200m setback from the CMA, I note that regardless of the NESPF, the 200m setback is able to be retained because it relates to giving effect to Policy 22 of the NZCPS. In addition, I note that the NESPF does not include a setback from the CMA of 30m generally, as the requirement for a 30m setback from the CMA only applies to the use of harvesting machinery operation. In this instance, I tend to agree with submitters that either the setback be reduced to 30m (which aligns with the 30m planting setback), or removed entirely, with reliance on the NESPF to manage harvesting activities within this area. This view is also based on the earlier discussion regarding the 200m setback proposed for planting, whereby it does not appear that the setback relates to managing sediment in the coastal environment, and where given I have recommended that the 200m planting setback be removed, I do not consider it appropriate to retain this as a harvesting setback. The recommendation set out below is based on deleting the setback standard and relying on the NESPF entirely. As above, the Hearing Panel may wish to retain a specific setback in the MEP of 30m, which would require consent for harvesting where within this setback area (i.e. not just for harvesting machinery operation). In my view, even with such a setback, a standard cannot be included to require or “encourage” native regeneration within this area.
155. In relation to submitters seeking an exemption for commercial forestry that has already been established within 8m of a Significant Wetland or 200m/30m of the CMA, it is my view that the removal of trees from within these areas needs to be carefully managed in order to achieve the relevant MEP policies and objectives set out earlier. As noted earlier, while the planting may have been lawfully established, it is unlikely that the effects of the eventual harvesting of the trees were considered at the time the planting was authorised.

Standard 3.3.7.4

156. This standard requires that harvesting must not be in such proximity to an abstraction point for a registered drinking water supply so as to cause its contamination. Killearnan Ltd (167.16) and Nelson Forests (990.69) oppose the standard, as they consider that commercial forests do not contaminate sources of human drinking water and rather that forests can protect or improve drinking water quality. As set out above in relation to similar submissions on the commercial forestry planting standards, I note that the wording of the standard is such that if the submitter is correct that afforestation would not cause contamination, then the standard would be met. The standard is also consistent with a range of other permitted activity standards across the MEP.

Standards 3.3.7.9, 3.3.7.10, and 3.3.7.11

157. These standards require that trees be felled away from a Significant Wetland or the CMA and that trees and logs not be dragged through these areas, except where trees are leaning over these areas, in which case they must be felled in accordance with industry safety practices.
158. Standards 3.3.7.9 and 3.3.7.10 are supported as being standard practice by PF Olsen Ltd (149.24, 149.25), Nelson Forests Ltd (990.74, 990.75) and MFIA (962.168, 962.169). Nelson Forests (990.76) and MFIA (962.170) also support 3.3.7.11 as providing a practical approach to riparian commercial forestry harvesting.
159. Forest & Bird (496.102) seek that standard 3.3.7.11 is amended to “*remove inclusion to allow dragging of trees felled under Standard 3.3.7.10*” as they consider this should not be included.
160. D. Miller (24.1) seeks that reference in 3.3.7.9 to the CMA is deleted, as he considers that felling away or generally uphill from the CMA would be unsafe practise. He acknowledges that 3.3.7.10 might apply in these instances in any case.

161. PF Olsen Ltd (149.23) oppose 3.3.7.11, noting that it is difficult to extract trees from steep hill country fully suspended above streams, except in very deeply incised gullies. They state that the alternative is to road each side of every catchment and haul to both sides, which would increase earthworks, which are the main source of harvest related sediment, and which they consider to be a perverse outcome. They also consider that the rule is duplicated in 3.3.7.15. They consider that Standard 3.3.7.16 is achievable and good practise and seeks that 3.3.7.11 is deleted. I note that in terms of the duplication between 3.3.7.11 and 3.3.7.15, this is resolved due to the amendments made to align the rules with the NESPF, whereby 3.3.7.15 is no longer applicable. This has also removed 3.3.7.16, and also means that 3.3.7.11 only applies to Significant Wetlands and the CMA. My understanding is that the submitter's concerns related more to the application of the rule (i.e. before the amendments to align the MEP with the NESPF) to river beds and therefore the main concerns have been removed/replaced with the controls in the NESPF. The submitter may wish to identify if this is not the case.
162. I note that the NESPF contains similar, albeit subtly different standards, in Regulation 67, which reads:
- (1) *Trees must be felled away from any water body or riparian zone during harvesting, except where it is unsafe to do so, to minimise disturbance to the margins of water bodies and to the coastal marine area*
 - (2) *If the exception in subclause (1) applies, trees must be felled directly across the water body for full-length extraction before de-limbing or heading.*
163. In my view, given the Regulations within the NESPF are similar, I do not consider it necessary to retain these standards. I consider that there is scope within submissions generally to delete these standards, through submitters seeking that the rules are generally better aligned with the NESPF. However, the submitters on these standards may wish to identify if they disagree with their deletion.

Standard 3.3.7.12.

164. Standard 3.3.7.12 places restrictions on where trees, slash and soil debris can be left, in relation to Significant Wetlands and the CMA.
165. Killearnan Ltd (167.14), MFIA (962.175) and Nelson Forests Ltd (990.81) note that there is no associated permitted activity standard for slash in the beds of ephemeral or intermittent rivers and seeks that such a permitted standard be introduced. I note that this is now covered in the NESPF and is not an area where the MEP can be more stringent. As such I do not recommend a new standard be added.
166. Reade Family Holdings (318.16) oppose clause (b), stating that it is draconian and unobtainable. They consider that the objective of the rule is met by the performance standard on where material can be left and seek that the clause be deleted.
167. PF Olsen Ltd (149.26) consider that clause (a) is redundant due to clause (b) and could result in added disturbance within the setback area. They consider that if such debris is stable, it is not necessarily a problem for riparian vegetation development and can add to its development and shading of small streams after harvest.
168. MFIA (962.171) and Nelson Forests Ltd (990.77) considers that clause (a) negates Standard 3.3.7.10, and that the exception in the latter should be applied to 3.3.7.12. They seek that the clause is amended to delete "*not be left within 8m of, or deposited in*" and replaced with "*be removed from within a river wherever practical and safe...*" I note that this stems from concerns with the justification for the 8m setback and the impact of its application in relation to rivers, stating that to remove all trees, slash and soil debris as required by clause (a) would be economically prohibitive and noting that slash is also used as method to protect the ground from raindrop impact and to control sediment when raked/bunded. While it appears that the main concern relates to rivers, which have been deleted as a result of the alignment with the NESPF, the change sought would apply in any case to Significant Wetlands and the CMA. They also seek that the standard be amended to remove reference to "*Soil debris*".

169. In relation to clause (b), they (990.78) and MFIA (962.172) also seek that it is deleted, stating that it is open to interpretation, unclear and impractical, requiring all slopes to be cleared of all harvesting related slash, which would be uneconomically prohibitive and could render the land capable of reasonable use.
170. W I Esson (336.24) seeks clarification as to how the 8m distance in Standard 3.3.7.12(a) is measured, for example, whether it is a horizontal 8m or corrected for the slope of the land. Further he seeks (336.25) that the use of the term 'trees' in the standard is defined and clarified, as currently it could theoretically include any small tree left within the 8m buffer.
171. I note that the NESPF includes requirements that within a riparian zone, all disturbed vegetation, soil and debris must be deposited to avoid it entering water (Regulation 68(6)), that slash must be placed on stable ground (69(1)) and that slash must not (except in specified circumstances) be deposited into a water body (69(3) and (4)). My understanding is that all of these regulations would apply in relation to wetlands, but only 69(1) would apply to the CMA. Given this, to the extent that the submitters concerns related to wetlands, I consider that the same concerns arise from the NESPF in any case. As noted earlier, there are also restrictions on the use of harvesting machinery within 30m of the CMA under the NESPF.
172. In order to address the concerns of submitters relating to the potential conflict between (a) and (b), I recommend that either the standard be amended to remove reference to Significant Wetlands, on the basis that the effect of the Standard is similar to that contained within the NESPF, or it is amended as follows, to remove reference to the 8m setback:
- Trees, slash and soil debris must not be deposited in, or left in a position where it can enter, or be carried into, a Significant Wetland or the coastal marine area.*
173. However, as set out in relation to Standards 3.3.7.9-11, I do not consider it necessary to retain this standard, given the Regulations within the NESPF are similar. I consider that there is scope within submissions generally to delete these standards, through submitters seeking that the rules are generally better aligned with the NESPF. However, the submitters on these standards may wish to identify if they disagree with their deletion.

Standard 3.3.7.14

174. This standard requires that wheeled or tracked machinery not be operated in or within 8m of a Significant Wetland.
175. Killernan Ltd (167.12) state that this standard does not take into consideration tracks and roads that have previously be installed in these areas, stating their continued use of these formed tracks will not result in environmental degradation. They seek that the standard is amended to enable use of existing tracks within the 8m setback. Similarly, Nelson Forests Ltd (990.87) and MFIA (962.181) consider that where there are existing tracks and roads within 8 metres of a Significant Wetland, they should be allowed to be used.
176. PF Olsen Ltd (149.28) seek that the standard is deleted and restructured to align with the setbacks considered in the NESPF development. They consider that the setbacks are not aligned with the NESPF.
177. I note that the NESPF includes restrictions on where harvesting machinery can be used, including within 5m of a wetland larger than 0.25ha (Regulation 68(4)(a)(ii) and (c)). However, Regulation 68(5) provides for these setbacks to be breached in certain circumstances, including where "any disturbance to the water body from the machinery is minimised". 'Harvesting machinery' is not defined in the NESPF, but I have assumed it would include wheeled or tracked machinery. I also note that there is no restriction within the NESPF on the use of this machinery in proximity to significant natural areas that would otherwise apply to these wetlands.
178. As noted earlier, I am comfortable that the retention of an 8m setback from Significant Wetlands is appropriate and ensures alignment across the MEP. I agree with submitters that the potential effects

arising from the use of wheeled or tracked machinery within 8m are unlikely to arise where they are confined to an existing track or road and recommend that the standard is amended to reflect this.

Standard 3.3.7.17

179. Standard 3.3.7.17 requires that harvesting does not cause any conspicuous change in the colour or visual clarity of various waters, when measured in specified ways.
180. D Millar (25.1) considers that the clause relating to the discolouration/ hue of receiving water is not definitive, and could be caused by other sediment discharges. He seeks that conditions are placed in the methods of 'positive' sediment control, such as detention dams and filter systems, to stop the deposition of sediments into receiving waters in sensitive areas.
181. D & C Robbins (640.31), G V Robb (738.34) and M J Robb (935.31) raise concerns in relation to the use of the Munsell Scale across the plan, which is relevant to clause (a). They consider the use of the Munsell Scale should be replaced with a more common measurement type able to be understood and implemented on the farm or in a commercial environment.
182. Windermere Forests Ltd (1238.3) and WilkesRM Ltd (359.31) seek that use of the Munsell Scale be removed from the MEP, due to concerns with its use, which in relation to this topic, would result in the deletion in clause (a). PF Olsen Ltd (149.29) also seek that the use of the Munsell Scale is deleted as "*it has not been effectively used for the purpose being attempted.*" They also seek that (c) is deleted as reflectance is impractical to measure, and seek that "*natural clarity*" in (b) is amended to "*water clarity*", as sought in relation to other standards. Similarly, Ernslaw One Ltd (505.36) seek that (a) and (c) and deleted and that "*natural clarity*" in (b) is amended to "*water clarity*".
183. Nelson Forests Ltd (990.91) consider that this standard conflicts with the permitted activity and standards associated with diffuse discharges from primary production activities and seek that it be deleted. It is not clear to me what the submitter is referring to. They also seek (990.26) that references across the MEP to the Munsell Scale be deleted, as there is no methodology available on how to use this, leaving the rule open to interpretation. They seek that the relevant clauses in the MEP be replaced with an alternate standard: "*Any discharge of sediment into water must not, after reasonable mixing, cause a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.*"
184. MFIA (962.182) seek that reference to the Munsell Scale is removed and that clause (a) is rewritten to ensure that the methods of measurement are useable and meaningful. They consider that there is no methodology available on how to use the Munsell Scale with regards to water as it was developed for use with soil science, and that this leaves the rule open to interpretation. They (962.183) seek that (b) is deleted and replaced with "*A change of less than 40% in visual clarity*". They consider that the clause is impractical as it requires the harvesting site to not discharge sediment as a result of natural events occurring within the harvesting site. They (962.198) also oppose clause (c) although they do not provide a reason or decision sought.
185. Killlearnan Ltd (167.11) raise concerns regarding the certainty of the standard, questioning what it means, how the Munsell Scale will be measured, what is considered 'reasonable mixing of the water' and so on. They consider that the standard requires clarification.
186. Reade Family Holdings (318.18) seek that the rule is deleted. They state that scientific research shows that harvesting is a lesser contributor to sedimentation than pastoral grazing with hoof disturbance and grass pull from grazing, and that earthworks when first carried out is the main contributor of sedimentation runoff if not done appropriately. They consider that the objective of these rules is met in the general rules and that there is no reason why forestry should be prejudiced.
187. TDC (307.16) seek that a condition is added about sediment discharged and then trapped in the bed, such as: "*Or an increase in the suspendible sediment of more than 30% as measured using Sediment Assessment Method 4 in Clapcott et al 2011*". They state that fine sediment is well known to cause significant adverse effects on benthic fish and invertebrate populations. They consider that it is the sediment deposited to the bed that is the most important and that where fine sediment in the water column is cleared, there can still be significant deposited fine sediment within the bed matrix.

They do not consider that the current standard adequately protected the environment. This is sought across a number of rules, not only 3.3.7.17.

188. I note that the standard is consistent with a number of standards across the MEP which have been considered in the Section 42A Report for Topic 13: Water Quality. I note that in a number of cases the submitters have sought changes across a number of rules in the MEP, not just 3.3.7.17. My view is that the standard should be consistent with other standards across the MEP and therefore defer to the recommendations made by the reporting officers in Topic 13: Water Quality.

Prohibited Rule 3.7.3

189. This rule provides a prohibited activity status for the harvesting of permanent carbon sequestration forestry. PF Olsen Ltd (149.44) considers that the rule is out of scope, as the decision to harvest what was intended to be permanent carbon sequestration forestry they consider has two components. The first being the Emissions Trading Scheme (ETS) / Afforestation Grant Scheme rules or other covenants, "*none of which are the Councils business and are covered by comprehensive legal rule structures.*" They state that the second component is the other environmental effects, which they consider should be aligned with the other forestry rules within the MEP and the NESPF. Federated Farmers (425.618) also oppose the rule, stating that it is inconsistent with the ETS, which provides for harvesting and replanting, or harvesting and not replanting but incurring a deforestation liability. They consider that landowners should not be prohibited from harvesting by the MEP, when they are allowed to do this (subject to conditions) under the ETS. Nelson Forests Ltd (990.120) also oppose the rule, as they consider there may be times when it is desirable or necessary to harvest this type of forest in response to force majeure events. They state that it is a commercial decision whether to harvest these forests, not a resource management issue. Conversely, MEC (1193.9) support the rule.
190. I agree with submitters that this rule does not appear to be addressing a resource management issue, in that the effects relating to harvesting should be managed in the same way, regardless of the reasons for which the planting was established. I also note the distinction between carbon sequestration forestry definitions is:

Carbon sequestration forestry planting (permanent) means a planting that will never be harvested.

Carbon sequestration forestry planting (non- permanent) means a planting that may be harvested. For clarity, a carbon sequestration forestry planting (non-permanent) becomes commercial forestry harvesting when it is harvested

191. In my view, there is a difficulty with these definitions in that at the point where harvesting is contemplated, it could be argued that the planting is therefore not permanent and is instead non-permanent, making the rule somewhat null in effect. I therefore agree that the rule should be deleted.

Definitions – Commercial Forestry Harvesting, Slash and Soil Debris

192. 'Commercial forestry harvesting' is defined in the MEP as follows:

means the felling and removal from the land of trees, for the purposes of commercial forestry, and includes:

- (a) excavation or filling, or both, to prepare the land for harvesting (for example, skid, forestry road or forestry track construction or maintenance);*
- (b) de-limbing, trimming, cutting to length, and sorting and grading of felled trees;*
- (c) recovery of windfall and other fallen trees;*

but does not include the transportation of the trees from the land or the processing of timber on the land.

193. A number of submitters²⁴ seek that the definition of commercial forestry harvesting is amended so that it does not exclude the transportation of trees from the land, or raise more general opposition that the current MEP framework currently requires resource consent for carting of logs. Reasons for this include that the exclusion negates the over-riding part of the definition which relates to removal of trees from the land; that the MEP does not preclude transportation for other activities such as stock, milk or wool transport and is therefore inequitable; and that transportation across private land would fall under Rule 2.33.2²⁵ and therefore default to a discretionary activity consent. As an alternate to deleting the exclusion from the definition, some submitters seek that the transportation of harvested logs is listed as a permitted activity under Section 2.31 of the MEP.
194. Related to this, as noted earlier, NZTA (1002.177) raise concerns regarding the effects that commercial forestry harvesting can result in, in terms of transportation effects on the road network. They seek that commercial forestry that directly accesses a State Highway or that accesses a road that intersects a State Highway should be considered by a consent process, so that effects on the State Highway can be fully assessed and the effects appropriately managed. While they seek that additional permitted activity standards are included in the harvesting rule in the Rural Environment Zone (3.3.7), I have identified that these could not be included, unless the definition were to be amended to include forestry traffic. Despite seeking that additional traffic controls are added to the commercial forestry harvesting rule, NZTA oppose, by further submission, the activity of transporting the harvested trees being considered within the definition of commercial forest harvesting. They consider that the transportation of logs is a discrete and separate high traffic generating activity that should be subject to separate consideration of effects on the land transport network (as recognised by Policy 14.1.7). It is not clear to me how this is to be reconciled with the request to add transportation-based standards into the commercial forestry harvesting rule.
195. The definition of 'harvesting' within the NESPF is as follows:
- Harvesting –*
- (a) Means felling trees, extracting trees, thinning tree stems and extraction for sale or use (production thinning), processing trees into logs, or loading logs onto trucks for delivery to processing plants; but
 - (b) Does not include-
 - (i) Milling activities or processing of timber; or
 - (ii) Clearance of vegetation that is not plantation forest trees.
196. As such, the NESPF does not regulate the transportation of logs off a site, only the loading of logs onto trucks. The alignment guide produced in relation to the NESPF also states:
*The NES-PF does not regulate truck movements on roads and associated effects. The definition of forestry road and forestry track in the NES-PF specifically excludes roads and tracks that are "managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency". Local truck movements on these roads has implications under other legislation and cannot be managed through a NES.*²⁶
197. This also aligns with my experience, that activities relating to transport are usually managed on a district-wide basis rather than activity-focussed basis, because the effects relate to the vehicles. Therefore, I do not agree that the definition should be extended to automatically allow for transportation as part of the harvesting activity. I also note that this matter was traversed as part of Topic 15: Transportation and Signage²⁷ with the author stating:
- The definition of Commercial Forestry Harvesting expressly excludes the transport of harvested logs. THE MEP does not consider the matter of vehicles driving on roads to be a resource management matter to control, and then default rules therefore do not capture the transportation of harvested logs. I understand that excluding the transportation of the harvested logs from the definition was intended to ensure that the harvesting rules were not applied to harvesting related activities on public roads; that is, the provisions relate to forestry roads and tracks. The exclusion was intended to be*

²⁴ 167.1, 167.27 – Killearnan, 260.1 – J Bradshaw, 282.2 – Warren Forestry Ltd, 336.8, 336.22 – W I Esson, 469.8 – I Bond, 497.2 – Heagney Bros Ltd, 962.120 – MFIA, 990.11 – Nelson Forests Ltd, 995.45 – NZ Forest Products, 1017.2 – P G Gilbert, 1238.2, 1238.28 – Windermere Forests Ltd.

²⁵ 2.33.2. Any land use activity relating to transportation not provided for as a Permitted Activity.

²⁶ NES for Plantation Forestry – Plan Alignment Guide [Version 1.0 – May 2018] p. 35.

²⁷ Refer to paragraphs 204 – 209.

interpreted such that forestry companies were not caught in unintended ways. I further understand that the Council considered that issues relating to managing logging truck or other vehicles on roads would be more appropriately addressed through bylaws should they be considered necessary. For this reason, therefore, I do not agree with the submitters that a separate rule is required which would provide for the transport of harvested logs as a permitted activity, as this is already the intention of the Plan. In order to remove any confusion, it may be appropriate to amend the definition of Commercial Forestry Harvesting. This will be addressed in the report for Topic 17 (Definitions).

198. In response to other submitters, the author recommended that the default Rule 2.33.2 be deleted (“Any land use activity relating to transportation not provided for as a Permitted Activity”) This means that the discretionary rule within this part of Chapter 2 only applies to activities that do not meet the parking, loading, manoeuvring and access requirements. As a result of this, the main concern of submitters – that the exclusion of transportation from the definition of harvesting results in traffic movements from harvesting requiring a consent – has been clarified as not being the case. Given this, I do not consider that the definition of harvesting requires amendment, nor is there a need to provide a permitted status for transportation of logs because this is already provided. In my view the additions sought by NZTA are part of a wider issue about how traffic effects on roads are dealt with under the MEP and it is not appropriate to manage forestry in a different way to other activities within the MEP.
199. MFIA (962.118, 962.119) and Nelson Forests Ltd (990.8, 990.10) seek that the definition be amended to include the management of the forest over the harvesting period (as included in the definition of commercial forestry planting) and seek that it provides for the maintenance of infrastructure post-harvest. Nelson Forests Ltd (990.9) further seek that the definition be amended to clearly state that the activity is provided for under regional council functions. It is not clear to me what the management of the forest over the harvesting period relates to in terms of the Council’s functions under the RMA (that is not otherwise covered in the definition), nor do I consider it appropriate to include the maintenance of infrastructure after harvesting, given that this does not relate to the actual activity of harvesting trees. I also do not agree that it is appropriate for a definition to state that it relates to a regional council function, as the relevant rules identify whether the rule controlling the activity is a regional or district council rule (or both).
200. Windermere Forests Ltd (1238.28) also seek that clause (a) of the definition is deleted so that earthworks are uncoupled from harvesting.
201. As with other definitions, I recommend that the definition of commercial forestry harvesting is amended to refer to or replicate the NESPF definition, to avoid confusion.
202. ‘Slash’ is defined in the MEP as follows:

includes branches, tops, chunks, cull logs, uprooted stumps, slovens, broken trees and other waste wood, greater than 100mm in diameter at any point.
203. Reade Family Holdings (318.1) consider that where the ‘slash’ is used when managing operations around streams it should have a different definition, and be amended so that when used in stream management is amended to “logs with a small end diameter of greater than 100mm and at least 3.0m long”. They consider that if it is damage during flood events that is being targeted this definition will target the material that causes such damage. W I Esson (336.26) considers it difficult to ensure no slash over 100m is left within 8m of a stream and seeks that the maximum diameter within the definition is increased. MFIA (962.125) and Nelson Forests Ltd (990.15) consider that the definition is too broad, when considering the effect of it within the rules. They seek that it be replaced with “means wood waste (slovens, cull logs, uprooted stumps, broken trees, chunks, branches and tops) greater than 100 mm in diameter and 1 metre in length, resulting from the activities of vegetation removal (including commercial harvesting) and earthworks.”
204. The definition of slash within the NESPF is simply “means any tree waste left behind after plantation forestry activities’. In this instance, I consider it most appropriate to effectively replicate this definition within the MEP.

205. 'Soil debris' is defined in the MEP as:

means soil, stony material and all sizes of rocks and any admixtures of these that is a by-product of harvesting and of the construction of skid sites, forestry roads, forestry tracks and river crossings.

206. MFIA (962.126) and Nelson Forests Ltd (990.16) state that the definition of soil debris is problematic as it is open to interpretation and seek that it be deleted. I note that 'soil debris' is referred to in standards pertaining to commercial forestry harvesting, as well as to non-indigenous vegetation clearance (for example, Standards 3.3.12.10 and 4.3.11.10) and woodlot forestry harvesting (for example Standards 3.3.9.9 and 4.3.8.9). I therefore do not agree with deleting the definition. The submitter may wish to provide an alternate definition for consideration instead.

Recommendation

207. I recommend that Standard 3.3.7 be amended as follows:

3.3.7. Commercial forestry harvesting

3.3.7.3. Harvesting must not be in, or within:

(b) 8m of a Significant Wetland;

~~*(c) 200m of the coastal marine area.*~~²⁸

3.3.7.4. 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.

~~*3.3.7.9. All trees must be felled away from a Significant Wetland or the coastal marine area.*~~

~~*3.3.7.10 Notwithstanding 3.3.7.9, where trees are leaning over a Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.*~~

~~*3.3.7.11. Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through a Significant Wetland or through the coastal marine area.*~~²⁹

~~*3.3.7.12. Trees, slash and soil debris must:*~~

~~*(a) not be left within 8m of, or deposited in, a Significant Wetland or the coastal marine area;*~~

~~*(b) not be or left in a position where it can enter, or be carried into, a Significant Wetland or the coastal marine area,*~~³⁰

3.3.7.14. Except within an existing forestry track or forestry road, wheeled³¹ or tracked machinery must not be operated in or within 8m of a Significant Wetland.

3.3.7.17. 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 or the coastal marine area, as measured as follows:

²⁸ 149.18 – PF Olsen Ltd; 167.17 - Killearnan Ltd; 640.29 - D & C Robbins; 738.32 - G V Robb; 935.29 - M J Robb; 962.163 – MFIA; 990.68 – Nelson Forests Ltd.

²⁹ Relates to 425.354, 425.355, 425.356, 425.357, 425.358, 425.359, 425.360, 425.361, 425.362, 425.363, 425.364, 425.365, 425.366, 425.367, 425.369, 425.370, 425.625 – Federated Farmers, 505.23, 505.24 – Ernslaw One Ltd, 962.144, 962.145 – MFIA, 282.5, 282.6 – Warren Forestry Ltd, 990.4, 990.6 – Nelson Forests Ltd, 1084.10 – Raeburn Property Partnership.

³⁰ Relates to 425.354, 425.355, 425.356, 425.357, 425.358, 425.359, 425.360, 425.361, 425.362, 425.363, 425.364, 425.365, 425.366, 425.367, 425.369, 425.370, 425.625 – Federated Farmers, 505.23, 505.24 – Ernslaw One Ltd, 962.144, 962.145 – MFIA, 282.5, 282.6 – Warren Forestry Ltd, 990.4, 990.6 – Nelson Forests Ltd, 1084.10 – Raeburn Property Partnership.

³¹ 167.12 - Killearnan Ltd, 990.87 - Nelson Forests Ltd, 962.181 - MFIA

- (a) hue must not be changed by more than 10 points on the Munsell scale.
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
- (c) the change in reflectance must be <50%.

208. I recommended that Rule 3.7.3 be deleted³².

209. I recommend that the definition of 'commercial forestry harvesting' be amended as follows:

~~means the felling and removal from the land of trees, for the purposes of commercial forestry, and includes:~~

~~(a) excavation or filling, or both, to prepare the land for harvesting (for example, skid, forestry road or forestry track construction or maintenance);~~

~~(b) de-limbing, trimming, cutting to length, and sorting and grading of felled trees;~~

~~(c) recovery of windfall and other fallen trees;~~

~~but does not include the transportation of the trees from the land or the processing of timber on the land.~~

(a) Means felling trees, extracting trees, thinning tree stems and extraction for sale or use (production thinning), processing trees into logs, or loading logs onto trucks for delivery to processing plants; but

(b) Does not include-

(iii) Milling activities or processing of timber; or

(iv) Clearance of vegetation that is not commercial forestry trees.

210. I recommend that the definition of 'slash' be amended as follows:

~~includes branches, tops, chunks, cull logs, uprooted stumps, slovens, broken trees and other any tree waste left behind after commercial forestry activities wood, greater than 100mm in diameter at any point.~~³³

Commercial Forestry Provisions – Coastal Environment Zone (4.1.6, 4.3.6, 4.7.1 and 4.7.2)

211. Within the Coastal Environment Zone, the replanting of commercial forestry is listed as a permitted activity (Rule 4.1.6), subject to meeting the permitted activity standards set out in Rule 4.3.6 which require setbacks from specified water bodies, the CMA and require that any registered water supplies are not contaminated.

212. In the notified MEP 'Commercial forestry planting' and 'Commercial forestry harvesting' were both expressly listed as a discretionary activity (Rules 4.6.3 and 4.6.4). As a result of the alignment with the NESPF, these rules have been amended to be restricted discretionary activities (new rules 4.5.3 and 4.5.4), with those matters of discretion limited only to areas where the MEP can be more stringent than the NESPF, as follows:

Matters over which the Council has restricted its discretion:

4.5.X.1 *Effects on significant wetlands*

4.5.X.2 *Effects of sedimentation*

³² 149.44 - PF Olsen Ltd, 425.618 - Federated Farmers, 990.120 - Nelson Forests Ltd

³³ 318.1 – Reade Family Holdings, 336.26 – W I Esson, 962.125 – MFIA, 990.15 – Nelson Forests Ltd

4.5.X.3 *The effects on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.*

4.5.X.4 *Effects on any drinking water supply registered under Section 69J of the Health Act 1956.*

213. As with Rule 3.7.1, Rules 4.7.1 prohibits commercial forestry planting and carbon sequestration forestry planting (non-permanent) on land identified as Steep Erosion-Prone Land, where the land has not been previously planted in lawfully established forestry (Rule 3.7.1).

214. Rule 4.7.2 list the following as a prohibited activity:

[R]

4.7.2. *The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.*

215. I note that submissions on Rules 4.7.1 and 4.7.2 as they apply to woodlot forestry have been considered in the Section 42A Report for Topic 12 – Rural Environments.

216. The relevant objective and policy framework for the Coastal Environment Zone provisions includes Objective 4.3, which seeks *'The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds.'* Policy 4.3.1 directs that the management of natural and physical resources within the Marlborough Sounds environment is to be integrated. The overarching aim in the coastal environment in Objective 13.2 is for use and development activities to take place in appropriate locations and forms and within appropriate limits. Policy 13.2.1 then guides the determination of appropriate, with respect to how various matters are recognised and provided for, and effects on identified values are managed. Of particular relevant, these include:

- (a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;
- (e) the dynamic, complex and interdependent nature of coastal ecosystems;
- (f) the high level of water quality generally experienced in Marlborough's coastal waters; and
- (g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.

217. Policies 7.2.3 and 7.2.7, which are contained in the Landscape Chapter are also relevant to Rule 4.5.3 and 4.5.4. Policy 7.2.3 seeks to control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape, including by requiring resource consent for commercial forestry activities. Policy 7.2.7 seeks to protect the values of ONF/Ls and the high amenity values of the Marlborough Sounds Coastal Landscapes, by a number of means including, in relation to ONF/Ls in the coastal environment of the Marlborough Sounds, seeks to avoid the planting of new exotic forestry in these areas.

218. Objective 15.4 is also relevant to the Coastal Environment Zone forestry provisions, which seeks that the quality of Marlborough's soil resource is maintained and enhanced, with Policy 15.4.3 directing that land use activities are controlled *"to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters"*. Similarly, Policy 15.1.29 directs that land disturbance activities are controlled in order to mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water. Policies 15.1.32 and 15.4.14 are also relevant in that they provide direction as to how resource consents are to be assessed in relation to land disturbance and disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody.

Submissions and Assessment

Support Permitted Status for Replanting (Rule 4.1.6)

219. PF Olsen Ltd (149.45) supports the permitted status for forestry replanting, stating that in the right place, forestry is a valid economic land use than can provide benefits on land that has significant land use constraints. NZ Forest Products (995.31, 995.37) supports the permitted status, including in ONL/Fs that already contain commercial forestry. Federated Farmers (425.645), Karaka Projects Ltd (502.8), J & J Hellstrom (688.48) also support the permitted status.

Oppose Permitted Status

220. Clintondale Trust (484.72) seek that replanting is a discretionary activity. CORANZ (552.1) seek that the rule be deleted due to the effects from run-off and siltation on the Sounds, seeking that forestry be phased out due to its detrimental environment and ecological effects and the marginal economic value of forestry. D Walker (679.1, 679.2) also seeks that the rule is deleted and replanting is prohibited in the Sounds, with replanting in other areas discretionary subject to 200m buffer zones. He raises concerns regarding the visual impact of commercial plantations looking out of place in amongst regenerating natives and considers that the landscape has been '*dramatically altered*' due to clearance for pastoral farming and then subsequent afforestation. He also raises concerns regarding sedimentation arising from harvested sites and subsequent effects on a mussel spat in Port Underwood and traffic effects from logging trucks.
221. DOC (479.220, 479.221) oppose the permitted status for replanting in the Marlborough Sounds' coastal environment, stating that appropriate buffers should be required to ensure sedimentation effects of future harvesting activities on adjacent waterways and the CMA is not significant. They consider it appropriate that the activity requires resource consent as a discretionary activity so that the potential for rivers to be used as conduits for sediment and wilding spread can be considered. They also state that wilding pine spread can result from planting in locations where seed spread is enabled.
222. In terms of the permitted activity status, I note the comments of other submitters who consider that replanting of existing forestry has existing use rights. While (for reasons set out elsewhere) I do not agree that this is the case, I do consider it a reasonable expectation that land currently used for forestry can generally continue to be used for this activity, provided that the ongoing effects of the activity are adequately managed. The exception to this is where the adverse effects are of such a level that they cannot be appropriately mitigated, for example in relation to effects on sedimentation in the CMA. In my view, a permitted activity status for replanting, subject to standards that trigger a consent requirement in those instances where effects need to be more carefully scrutinised is more appropriate than a blanket consent requirement for any replanting within this zone. I note that a number of the submitters' concerns relate to sedimentation, which in my view are addressed by the setback from the CMA (and which is considered further below). In relation to wilding pine spread referred to by DOC, this is a matter that cannot be controlled in the MEP due to the NESPF.

Permitted Activity Standards for Replanting (Rule 4.3.6)

223. Federated Farmers (425.793, 425.794) state that legally established forestry has existing use rights and therefore seek that the permitted activity standards in 4.3.6 are deleted. Nelson Forests Ltd (990.129) seek that Standard 4.3.6.1 be deleted, stating that forests that were legally established have existing use rights under Section 10 of the RMA, and that regional rules may impact on these rights only when there is an evidence issues to address. They consider that there is no justification for the setbacks and no equivalent rule for cultivation, which they consider would have significant more soil disturbance than replanting.
224. My understanding is that there is currently no case law around the extent to which forestry activities have existing use rights when it comes to replanting. In my experience there are conflicting views regarding this because of the nature of forestry activities which involve different activities at different times within the forestry cycle. In any case, I note that Rule 4.1.6 (and related standards) is both a regional and district rule and in my view, the standards relate to regional council functions and existing use rights under Section 10 of the RMA do not apply to regional rules. While I accept Nelson

Forest's point that replanting in itself may not have significant soil disturbance effects, because replanting is ultimately followed by harvesting which can have such effects, I consider it appropriate to ensure that the management of differing parts of forestry activities are integrated, i.e. that planting is not permitted in areas where subsequent consent is required for harvesting and which may not be granted if the effects cannot be adequately mitigated.

225. Ernslaw One Limited (505.42) and Nelson Forests Ltd (990.130) oppose standard 4.3.6.2 relating to drinking water supplies for the same reasons as set out in relation to Standard 3.3.6.3 above. My analysis of and recommendations on these submission points are the same as those set out earlier.
226. H M Ballinger (351.14) supports the setback from Significant Wetlands. Forest & Bird (715.430) support the permitted rule but seek greater setbacks and more sensitive tree removal requirements in the Marlborough Sounds due to its outstanding natural character. I assume that the increase setback requirements are the same as those sought elsewhere in their submission, namely a 20m setback from a Significant Wetland. As per my analysis on other similar submission points, I do not agree with increasing this setback. I am unclear what is sought in relation to "*more sensitive tree removal requirements*" and note that in any case the rule relates to replanting and not to tree removal which is managed under harvesting rules.
227. Te Atiawa (1186.123) seek that the standards be amended to protect cultural sites, with setbacks of 5m from urupa, wahi tapu or other sacred sites. Federated Farmers oppose this in a further submission, stating that any cultural sites ought to be significant and identified through a Schedule 1 process, with any restrictions on commercial forestry needing to be reasonable. I note that because such a standard would manage an effect that is not managed under the NESPF, such a standard could be included in the MEP. I understand that some cultural sites are identified in Appendix 13 (Register of Significant Heritage Resources) in both Schedule 1 & 2, and that officers have recommended the creation of a new Schedule for iwi sites only, with the sites included in Schedule 1 & 2, as notified, moved into the new Schedule. This would also provide for additional sites to be added to the new Schedule, through a plan change process. My view is that if the Hearings Panel agree to the establishment of a new Schedule 3, then an additional standard, requiring a 5m setback from these for replanting might be appropriate. However, at present, I consider that there is no certainty about which sites the replanting standard would apply to, and reference more generically to all sites in Schedules 1 & 2 would be broader than the scope of the submission. My recommendation is therefore not to include such a standard, unless as a result of other changes to the MEP, a standard could be included which is clear in its application. The Hearings Panel may also wish to consider, if they include such a standard in this rule, if there should be consequential changes to the permitted activity standards for planting in the Rural Environment Zone, so that a similar setback is applied in that zone as well.
228. Several submitters³⁴ seek that additional standards are added to the permitted activity rule, that stem from recommendations made in a technical report prepared by the Council on the effects of fine sediment from forestry in coastal waters in the Sounds.³⁵ These include setbacks from the shoreline, water bodies, the requirement to prepare a mandatory Replanting Management Plan addressing erosion, requiring replanting of harvested area within 12 months, limiting replanting to 1000 stems/hectares, controls on forestry roads, earthworks and slash. These submitters generally consider that the rules and associated standards fail to protect the CMA and particularly the Sounds³⁶ from the adverse effects of sedimentation the effects of forestry activities, and note that the economic costs for forestry operators from such recommendations must be balanced with the environmental and social costs of the effects of forestry on the wider community. These are generally opposed in further submissions by Nelson Forest Ltd as being excessive regulation that goes beyond effects management and imposes costs that outweigh benefits, and state that the relief sought and evidence presented are not conclusive nor compelling evidence to support the restrictions.

³⁴ 404.44 – E Jorgensen, 578.19 - Pinder Family Trust, 751.1, 751.2, 752.19 - Guardians of the Sounds, 869.28, 869.29, 869.30 – KCSRA, 946.1, 946.2 – M D Oliver, 1146.19 – Sea Shepherd New Zealand, 1190.5, 1190.9, 1190.10 – BMCRRRA, 1193.16, 1193.20, 1193.21 – MEC.

³⁵ Ulrich, S. C. (2015). *Mitigating Fine Sediment from Forestry in Coastal Waters of the Marlborough Sounds*. MDC Technical Report No: 15-009, ISBN: 978-1-927159-65-1.

³⁶ MEC also specifically mention the Rai/Pelorus River catchment.

229. P & T Beech (699.1) also refer to the technical report and its reference to creating a 200m buffer zone, but adds that the buffer zone needs to be native bush with its associated understorey in order to ensure they filter out sedimentation.
230. MRFA (965.2) seek that the setback for the CMA is increased to 200m, with native flora encouraged to grow within the buffer. They have concerns regarding the effects of forestry activities, particularly the acceleration of erosion and sedimentation on the long-term health of the Sounds.
231. A number of submitters³⁷ also seek that the setback required from the CMA (4.3.6.1(c)) be increased from 30m to 100m to reduce sedimentation in the marine environment, enhance biodiversity and improve visual values. J & J Hellstrom (688.189) and H M Ballinger (351.15) consider that the 30m setback may be inadequate where the slope is steeper, and seek a larger setback from the CMA, which could be related to slope, for example, 30m where the slope for a distance of <200m is less than 20 degrees, otherwise 100 metres (Hellstrom) or 30m where the slope for a distance of 500m is less than 20 degrees, otherwise 100 metres (Ballinger). P E Hunnisett (1016.6) considers that there needs to be a larger setback than 30m on steep land to reduce sedimentation issues.
232. KCSRA (869.28) raise concerns with the permitted status, given reports by the Council that indicate commercial forestry activities have '*not been a good outcome for the Sounds*'. They consider that the Council reports indicate that a 300m strip from the high water mark is a key area and that replanting within this setback should be discretionary.
233. M & K Gerard (424.146) consider that the setbacks in 4.3.6.1 are not big enough to avoid issues relating to sedimentation run-off, road damage and riparian native vegetation. They seek that adequate setbacks from all formed public roads, foreshore reserve and adjoining property boundaries are required. They also seek (424.147) an additional standard is added as follows: "*If an area is not going to be re-planted in commercial forest, then it must be actively managed to avoid the regeneration and proliferation of wilding pines (e.g., by spraying).*"
234. PF Olsen Ltd (149.49) seeks that the setbacks are aligned with those of the draft NESPF.
235. As noted above, DOC (479.220, 479.221) oppose the permitted status and seek that it is deleted and replaced with a discretionary rule. As an alternate to this, they seek that an additional permitted activity standard is added in 4.3.6 to require that '*replanting must not occur adjacent to an identified Ecologically Significant Marine Site*' (ESMS) and that 4.3.6.1(c) is amended to increase the setback required from the CMA from 30m to 200m. I do not consider that the additional standard is necessary, given that ESMSs are located within the CMA and therefore the standard would duplicate the existing setback requirement from the CMA.
236. In relation to the permitted setback from the CMA, I note that this is an area where the MEP can be more stringent than the NESPF, as it relates to giving effect to Policy 22 of the NZCPS. The question then remains as to whether it is appropriate to do so, and if so, whether the setback distance of 30m is appropriate.
237. As referred to by submitters, a technical report was prepared by the Council on the effects of fine sediment from forestry in coastal waters in the Sounds. This report outlines that sedimentation arises from harvesting activities (and in particular, after harvesting and before the establishment of new planting) and identifies the subsequent ecological effects of fine sediment on coastal ecosystems. The report specifically considered a 30m setback to be insufficient. The report also considered the use of 100m or 200m elevation setback as an alternate buffer distance. In particular, it identified that soils between the shoreline and areas at 200m elevation are more prone to erosion and subsequent production of fine sediment.

³⁷ 378.3 R. E & L J Hill, 418.18 – J Craighead, 419.1 – Fly-fish Marlborough, 420.2 – Windsong Orchard, 421.2 – J. Steggle, 422.2 – J. Richardson, 423.2 – C. Shaw, 524.2 – A. Dolle, 529.3, 529.2 – A J Parr, 532.2 – A P V Millen, 594.2 – C McBride, 598.2 – C R McLean, 599.2 – C R Soderberg Jr, 662.2 – D McBride, 701.2 – F A C Chayter, 715.408 – Forest & Bird, 827.2 – J Rossell, 833.2 – J. Tillman, 861.2 – K. Raeburn, 865.2 – K Walshe, 915.2 – M C Dewar, 1049.2 – Silverwood Partnership, 1066.2 – R. Heta, 1109.2 – S Browning, 1179.2 – T R Stein, 1194.2 – The Sunshine Trust, 1209.2 – V Frei, 1228.2 – W R Oliver, 1230.2 – W Tillman. It has also been assumed that this is sought by 578.20 – Pinder Family Trust, 752.20 – Guardians of the Sounds, 1146.20 – Sea Shepherd New Zealand, 1193.21 – MEC.

238. However, I note that the technical report, while finding 30m to be insufficient, does not recommend a particular setback, and in any case, the buffer areas discussed relate to elevations (of 100 and 200m) not to a linear setback distance. In addition, the report considers only the potential effects of forestry harvesting within the buffer area, and does not include any cost assessment as to the impacts that such a buffer would have on existing forestry operations. I agree in a broad sense with those submitters who state that the economic costs for forestry operators from the imposition of standards on forestry activities must be balanced with the environmental and social costs of the effects of forestry on the wider community. The issue however, is whether increasing the setback distance to either 100m or 200m strikes that balance appropriately.
239. My understanding of the report is that there are potentially significant effects arising from sedimentation relate to harvesting. However, because planting (including replanting) is a precursor to harvesting, it follows that integrated management is better achieved by managing both the planting and the harvesting. In other words, I do not consider it appropriate to permit planting within an area where the harvesting of that planting is known to have adverse effects that require management through a consent process and in some cases may not be able to be appropriately mitigated. Consideration of planting within the setback, through a consent process, allows for consideration of erosion susceptibility, and for advanced thinking about areas which should not be planted or replanted (because they are the highest risk in terms of sedimentation effects from consequential harvesting) or the way in which they might be harvested (e.g. in planned stages). That being said, in my view a blanket increase to the standard may not be the most appropriate way to achieve this.
240. In my view, some of the concerns of submitters could be addressed through a controlled activity status for replanting between 30m and 200m. In my view, this would allow for the Council to determine the highest risk areas, where replanting might not be appropriate, or where advanced thinking is required in relation to harvesting. However, I do have the following two concerns with the controlled activity approach:
- a. that allowing for replanting within this area perpetuates the problems identified in the technical report with the eventual harvesting within this area.
 - b. the extent to which it provides for the Council to restrict replanting in some areas. For example, if an applicant applies to replant the entire area between 30m and 200m, what ability will the Council have to impose conditions requiring that the replanting is not undertaken in some areas (because they are too high risk) or that permanent vegetation is established in these areas rather than commercial species.

I do accept that these concerns are partially addressed by the harvesting of these areas requiring a restricted discretionary consent, which can be declined (e.g. when undertaken in particular locations or in a particular manner where the effects cannot be appropriately managed), or conditions imposed, to manage the way in which the harvesting is undertaken (e.g. harvesting in coupes).

241. Also weighing into this consideration is my understanding that the greatest risks are associated with the period following harvesting and prior to the establishment of new planting. As replanting relates to areas where there has been previous planting, and as replanting can in itself assist with reducing sedimentation effects arising from the previous harvesting within this area, I consider that replanting should not be significantly disincentivised. A controlled activity pathway is more likely to incentivise replanting occurring in a timely manner, whereas a hard and fast buffer distance for replanting might result in planting not being undertaken in this area at all. While there is still a risk of that occurring even with a controlled activity pathway, I consider the controlled pathway reduces that risk, and I note that conditions can in any case be imposed on the harvesting consent to address sedimentation effects. My preliminary view is therefore that the permitted setback should be increased to 200m, but a controlled activity pathway be provided for replanting between 30m and 200m.
242. For completeness I note that there is a difficulty with the outcome sought in the technical report, of continuous and undisturbed vegetation cover within the setback buffer being achieved through the MEP provisions. While I accept that this would, from an environmental effects point of view be a good outcome, I do not consider that foresters can be required to permanently plant this area. I consider that this would need to be pursued outside the plan framework. Related to this, in terms of those submitters who seek that particular things be required within the buffer area (spraying/wilding control/ native regeneration planting), as noted earlier, I am not aware of a mechanism under the RMA to require spraying or regeneration of native bush in these circumstances. My understanding is

that MEP provisions can control the effects of activities undertaken on land, but cannot require that land be used only for a particular purpose (such as regeneration). That being said, where there is a consent requirement for replanting within a buffer area, there will be an ability to impose conditions to address the effects associated with this replanting. This may include requirements around areas where replanting is not to occur and permanent vegetation is required, in order to reduce the effects of replanting and eventual reharvesting within the buffer area. In this regard, it would not be a specific requirement to plant/spray, but it could be part of a package of measures aimed at mitigating effects associated with the forestry activity within the buffer area.

243. In regards to the additional standards sought by submitters that stem from the MDC technical report, I note that the recommended standards in relation to setbacks from waterbodies is now a matter superseded by the NESPF, and it appears in any case that the NESPF standards (Regulation 78) reflect the technical report recommended setbacks. It is my understanding that there is a difficulty with requiring that management plan be prepared as part of a permitted activity status, because a permitted activity cannot include any sort of discretion. In this regard, while a management plan could be required to be prepared, the Council has no ability to influence, amend or approve it. As a result, I am not sure that requiring such a plan would achieve much in a permitted activity framework. However, where a consent is required for replanting within the buffer area, a Management Plan could form part of the application or be included as a condition of consent, allowing the Council to assess its appropriateness and require amendments etc. In my view, the MEP cannot require the replanting of harvested areas within 12 months as part of the replanting rule, although I note that this is something that can be considered and potentially conditions imposed around, in relation to harvesting consents (discussed further below). Similarly, in relation to the controls on slash/debris from harvesting, to the extent that additional controls beyond those in the NESPF might be required in order to give effect to the NESPF, I consider these can be addressed through the harvesting consent. In relation to requiring replanting above 1000 stems/hectares, I am hesitant in making this a requirement in absence of information from foresters about what impacts this may have/whether it is practical. Again, the controlled activity status for replanting between 30m and 200m means that replanting within this area would allow for this to be considered in relation to replanting within this area.
244. Finally, it is my view that controls on forestry roads are best managed under separate transport consideration, because they are not specific to forestry and relate to the construction of any new roads or tracks. I note that in any case, the NESPF includes standards around forestry roads, tracks and landings (Regulation 33), and it would need to be established that additional controls were necessary in order to give effect to the NZCPS.

Commercial forestry planting and harvesting – Notified Rules 4.6.3 and 4.6.4

245. These rules, as notified, provided a discretionary activity status for commercial forestry planting and commercial forestry harvesting. I note that as a result of the NESPF alignment exercise, the rules have been retained as restricted discretionary activities. Thirty-six submitters³⁸ support the discretionary activity status for commercial forestry planting (Rule 4.6.3) and for commercial forestry harvesting (4.6.4) in the Coastal Environment Zone. The reasons for the support include the need to improve the effects of sedimentation, wilding pines and visual impact. In addition, A M H Harvey (388.7) also supports Rule 4.6.3, stating that commercial forestry should be encouraged by MDC as there are some really good forestry sites in the inner and central sound and that this activity would be a better option than livestock farming. M & K Gerard (424.171) support the discretionary status for planting, *'as long as stringent rules are set for the consenting process'*. They consider that there is still a future for forestry in the Sounds if well-managed from planting to harvest. They state that they would like standards for setback distances from water bodies for forestry and management of wilding

³⁸ 123.1 D Miller, 179.5, 179.6 – Tui Nature Reserve, 378.4, 378.5 – R. E & L J Hill, 418.16, 418.17 – J Craighead, 419.3, 419.4 – Fly-fish Marlborough, 420.3, 420.4 Windsong Orchard, 421.3, 421.4 – J. Steggle, 422.3, 422.4 – J. Richardson, 423.3, 423.4 – C. Shaw, 479.234, 479.235 – DoC, 524.3, 524.4 – A. Dolle, 529.3, 529.4 – A J Parr, 532.3, 532.4 – A P V Millen, 578.39, 578.40 – Pinder Family Trust, 594.3, 594.4 – C McBride, 598.3, 598.4 – C R McLean, 599.3, 599.4 – C R Soderberg Jr, 662.3, 662.4 – D McBride, 701.3, 701.4 – F A C Chayter, 715.417, 715.418 - Forest & Bird, 752.39, 752.40 - Guardians of the Sounds, 827.3, 827.4 – J Rossell, 833.3, 833.4 – J. Tillman, 861.3, 861.4 – K. Raeburn, 865.3, 865.4 – K Walshe, 915.3, 915.4 – M C Dewar, 1049.3, 1049.4 – Silverwood Partnership, 1066.3, 1066.4 – R. Heta, 1109.3, 1109.4 – S Browning, 1146.39, 1146.40 - Sea Shepherd New Zealand, 1179.3, 1179.4 – T R Stein, 1190.14, 1190.15 – BMCRRRA, 1193.25, 1193.26 – MEC, 1194.3, 1194.4 – The Sunshine Trust, 1209.3, 1209.4 – Verena Frei, 1228.3, 1228.4 – W R Oliver, 1230.3, 1230.4 – W Tillman.

pinus. They also support the discretionary status for harvesting (424.172) due to the requirement this imposes to submit a harvesting plan. Millen Associates Ltd (972.2, 972.3) support the requirement for resource consent for forestry greater than 5 hectares, stating that greater consideration is required in relation to sedimentation, visual effects and the need for planting plans following harvesting. NZTA (1002.189) support the discretionary status for commercial forestry harvesting in the Coastal Environment Zone.

246. PF Olsen Ltd (149.61) consider that commercial forestry planting outside outstanding or high landscape values overlays should be restricted discretionary rather than discretionary. Similarly, they seek that (149.60, 149.62) commercial forestry harvesting outside outstanding landscape areas should be restricted discretionary where on high erosion risk sites, with discretion related only to “relevant adverse effects in these more highly modified and unnatural sounds environments”. They seek that lower risk sites are permitted, stating that the proposed rule far exceeds the mechanisms required to manage the likely adverse effects and allows for the prevention of harvesting. They raise concerns that where a consent to undertake planting has been obtained, an applicant should be entitled to the expectation to harvest.
247. Federated Farmers (425.695, 425.696) and NZ Forest Products (995.30, 995.32, 995.33) seek that planting and harvesting of commercial forestry is provided for as a permitted activity, the same as in the Rural Environment Zone. NZ Forest Products further seek that the permitted rule is extended to include carbon sequestration forestry planting (non-permanent) and the standards in clause 3.3.6 are included as permitted standards, with a reduction in the setback from the CMA from 200m to 30m. This reduction is based on the permitted standards for replanting in relation to the CMA being 30m (in 4.3.6.1(c)).
248. Nelson Forests Ltd (990.122) seek that plantation forestry is a permitted activity, the same as farming (as a district rule). Nelson Forests Ltd (990.123, 990.126, 990.127, 990.154) seek that a permitted status be given to harvesting, stating that the discretionary activity status is contrary to one of the MEP’s guiding principles to ensure regulation is in keeping with the scale of the activity regulated. They consider that there is no greater risk of significant adverse effect in their forests that are within the Coastal Environment Zone than there are in the Rural Environment Zone. They also raise concerns that the rule renders existing forestry as unable to be harvested because it is subject to the Council’s discretion.
249. KCSRA (869.31, 869.32) consider that mandatory standards are required for commercial forestry planting and harvesting, rather than reliance on a case by case assessment of applications against the relevant objective and policy framework of the MEP. For example, they consider that the permitted activity standards applying to woodlot forestry harvesting (in 4.3.8) should be repeated as part of the discretionary activity for commercial forestry harvesting. They also seek that the Council develops strategic expertise in coupe harvesting analysis and tactical implementation, stating that allowing whole catchment areas to be logged in one hit is not responsible planning oversight. P G Gilbert (1017.6) also raises concerns that there are no standards for discretionary activities for commercial forestry harvesting, seeking that minimum standards are included, such as those included for permitted activities. Forest & Bird (715.409) state that it is not clear why standards for commercial forestry harvesting are not included in the Coastal Environment Zone, also noting that slash and debris should not be left in waterways. I note that the latter is addressed through the standards in the NESPF.
250. D C Hemphill (648.45) seeks that an additional permitted activity is added within 4.1 for “*Transportation by land and water of logs and all other forest products*”, stating that the definition of commercial forestry harvesting excludes transportation of logs, which cannot be removed from the land without transportation, unless they are to be converted on site. This has been addressed above in relation to definition for commercial forestry harvesting.
251. NZ Forest Products (995.34) seek a discretionary activity status for commercial forestry planting and carbon sequestration forestry planting in an ONL/F where it is not already “*comprised of commercial forestry planting*”. My interpretation is that this is already a discretionary activity under Rule 4.6.3 (now restricted discretionary under 4.5.3) and therefore I do not consider any further change is required in relation to this submission point.

252. I note that the alignment exercise with the NESPF has identified that a fully discretionary activity cannot be retained because this would allow the Council discretion in relation to matters where the NESPF does not allow greater stringency. In many respects these changes appear to address the changes sought by PF Olsen Ltd.
253. I note, in relation to submitters seeking a permitted activity status for planting in this zone, consistent with that for the Rural Environment Zone, that the permitted activity standards in the latter zone align in any case with the matters for discretion. The difference in approach is that requiring consent for any planting within the former zone requires consideration of sedimentation in line with Policy 22 of the NZCPS for any planting. In my view, this is appropriate given the geographic nature of the Sounds, and the overarching direction in the MEP to ensure integrated management within this area, including the effects of land use activities on the CMA. Within the Rural Environment Zone, where the coast line is more linear in nature, sedimentation effects on the CMA can be managed through the setback from the CMA. In my view, in the Coastal Environment Zone (all of which is within the coastal environment, as that is defined under the NZCPS) a linear setback would not capture the entirety of the area to which Policy 22 applies.
254. In terms of harvesting, I accept that there are difficulties with requiring consent for harvesting existing plantations, because these have been established with the intent of being harvested. That being said, the technical evidence shows that there are potentially significant adverse effects resulting from this, where not properly managed. There is also the need to give effect to the NZCPS. In my view, a restricted discretionary pathway which is targeted to specific matters is appropriate. I do not agree that the rule renders existing forestry as unable to be harvested, it simply means that consent must be obtained to do so, with the effects of the harvesting able to be addressed and appropriately managed through the consent process.
255. In relation to submitters seeking or querying the inclusion of standards within these rules, it is not clear to me what this would achieve, unless they are seeking that non-compliance with such standards would default to a different activity status. In my view, such standards are not required because consent is already required for all planting and harvesting activities and the matters that the permitted standards are seeking to address in relation to the Rural Environment Zone are the same as the matters to which discretion is restricted in the Coastal Environment Zone rules.

Definition - Commercial Forestry Replanting

256. The definition of commercial forestry replanting reads:
- means indigenous or exotic tree species deliberately planted for wood production to replace trees previously lawfully planted for the same purpose and subsequently harvested. This definition only pertains to the Coastal Environment Zone.*
257. MFIA (962.123) and Nelson Forests Ltd (990.13) seeks that the definition applies to the entire region and not only in the Coastal Environment Zone, stating that replanting is protected under section 10 of the RMA and is different to planting of new forest areas.
258. P G Gilbert (1017.1) also seeks that reference to the definition only pertaining to this zone is deleted. As noted earlier in this report, this submitter has identified that currently due to the EMP's definitions, replanting is technically captured under both Rule 4.1.6 and 4.6.3 (now 4.5.3).
259. The definition of replanting within the NESPF is:
- replanting means the planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred*
260. As set out earlier, I do not agree that there is a need to separate the definitions for planting and replanting. However, I agree with the issue identified by P G G Gilbert, and while he has sought that the definition of commercial forestry planting deletes reference to replanting, my view is that it is more appropriate to amend Rule 4.5.3 to make it clear that it only applies where the replanting is not permitted under 4.1.6. I also consider that to avoid any potential conflict with the NESPF, it is best to amend the replanting definition within the MEP to replicate that contained in the NESPF. This is

because the latter definition includes a time limitation (replanting must occur within 5 years from harvesting) and I consider that this provides greater clarity and certainty and ensures better alignment between the MEP and NESPF. I also agree with submitters that there is no need for the definition to refer to the Coastal Environment Zone. This is because I consider that it provides a statement about the application of the definition within the rules, which I do not consider necessary for the purpose of providing a definition. In any case, as a consequence of changes to the standards in the Rural Environment Zone which distinguish between planting and replanting, the removal of the reference to the Coastal Environment Zone is required in any case.

Prohibited Activities

261. Rule 4.7.1 prohibits commercial forestry or carbon sequestration forestry planting where it is on land identified as Steep Erosion-Prone Land that has not previously been planted in lawfully established forestry³⁹. The rule *can* be more stringent than the NESPF because it relates to giving effect to Policy 22 of the NZCPS⁴⁰. M & K Gerard (424.173), Pinder Family Trust (578.36) support the rule. Guardians of the Sounds (752.36), Sea Shepherd New Zealand (1146.36), BMCRRRA (1190.12) and MEC (1193.22) also support the rule, stating that exotic forestry should be phased out as soon as possible as the Sounds are not suitable for exotic forestry because of sedimentation and erosion, wilding pine risk and visual impacts. They seek that the rule is retained and further, that there is no new commercial exotic forestry planting in the Sounds.
262. PF Olsen Ltd (149.63) considers that a fully discretionary status is more appropriate and seeks that the erosion zones be aligned with the NESPF. They state that other species might be grown for commercial purposes on a non-clear fell harvest and sequestration basis but “*may at some point be an option that has significant environmental, erosion control and aesthetic benefits as well as commercial viability*”.
263. Federated Farmers (425.699) oppose the prohibited activity status, stating that it inappropriately prohibits a land use that has many benefits from occurring within these areas and raising concerns that the rule covers matters that will be managed by the NESPF. They seek that the rule is deleted. Beef and Lamb (459.8) seek that the activity status is amended to discretionary. This is part of the submitter’s general concerns about the use of prohibited activity status within the MEP, which they note is the most restrictive of any activity class and consider should be used with care. They state that the decision to use the prohibited activity class should be backed with strong evidence of its necessity, such as high risk of significant adverse effects and irreversibility, and backed through objectives and policies. They consider that it must be determined that the prohibited activities should not be occurring within the region, are activities that Council has a function or duty to administer and manage under section 30 of the RMA and are a significant issue for the region. D & C Robbins (640.56), G V Robb (738.56), M J Robb (935.56) oppose the prohibited status and seek that it is made discretionary NZ Forest Products (995.35) oppose the prohibited status on the basis that the prohibited activities may in some circumstances be able to be undertaken in an appropriate matter, including where on steep, erosion-prone land.
264. E Jorgensen (404.46) refers to Rule 4.7.1 but in relation to replanting, referring to standards sought for replanting within the Coastal Environment Zone. It is not clear what is sought in relation to Rule 4.7.1 given that it is for a prohibited activity.
265. I accept that this rule places the highest threshold – prohibited - on the identified activity. However my understanding is that this relates to the level of risk associated with this activity within these higher risk areas, and effects of erosion and sedimentation within the coastal environment and particularly the CMA and other coastal waters. I note that the rule only applies to areas that have not previously been used (lawfully) for forestry activities and therefore it does not prohibit the continuation of forestry activities within the Steep Erosion-Prone areas. While some submitters have stated that in some circumstances new plantings could be undertaken in these areas in an

³⁹ The rule also applies to woodlot forestry planting, which has been considered in Topic 12: Rural Environments

⁴⁰ The relevant parts of Policy 22 are:

- (2) *Require that subdivision, use or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.*
- (3) *Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.*
- (4) *Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.*

appropriate manner, none have provided an example of how this might be achieved. As such, my current view is that the prohibited status is still appropriate.

266. Rule 4.7.2 prohibits the harvesting of commercial forestry on land identified as Steep Erosion-Prone, where it has not been lawfully established. M & K Gerard (424.174) support the rule. Pinder Family Trust (578.37), Guardians of the Sounds (752.37), Sea Shepherd New Zealand (1146.37), BMCRRRA (1190.13 & 1190.16) and MEC (1193.23) also support the rule, but seek that the prohibited status is reconsidered because such plantings could become an ongoing source of wilding pines. They seek an option to harvest or poison once, and to control any wilding pines while the land is regenerating.
267. KCSRA (869.36, 869.37) raise concerns regarding the intention of the rule in relation to treatment of lawfully established, versus unlawfully established plantings, stating that they wish to reserve their position to make an oral submission once discussing further with the Council.
268. Federated Farmers (425.700) oppose the prohibited status and seek that the rule is deleted. Nelson Forests Ltd (990.155) seek that the rule is deleted and included as a restricted discretionary activity. They state that perverse and unintended outcomes are likely as the forest and land respond to force majeure events. They consider that if the Council is trying to halt the establishment of commercial forest on this type of land, it needs to look to controlling the planting of commercial forests.
269. D & C Robbins (640.47) generally oppose the use of prohibited activity rules across the MEP, including those applying to commercial forestry, seeking that they be replaced with discretionary activity rules.
270. Also related to this, is D Miller (123.1), who seeks that the cessation of all production forestry within the Coastal Environment Zone that threatens the ecosystems of the waters of the Marlborough Sounds be considered as the desirable long term goal of the MEP. B J Walton (558.1) also seeks that forestry in the Sounds area be phased out, with no new planting after 2018, while the Combined Clubs of Marlborough Underwater Section (630.1) seeks the consideration of a slow phasing out of forestry in the Sounds, with a return to native bush. Although the specific changes sought to achieve this have not been identified by these submitters, this type of goal could be achieved through an objective written along the lines of the submission, which would need to be implemented through something like a prohibited activity rule for planting (including replanting) of commercial forestry within the Coastal Environment Zone.
271. In my view, there are difficulties with this rule, in that the effects from harvesting are not changed by whether or not the trees were lawfully established. Under the proposed rules, harvesting in the Coastal Environment Zone is a restricted discretionary activity if it was established lawfully, and prohibited if the planting was not established lawfully. In my opinion, there is no difference in the resource management issue that the rules are addressing, as the effects from harvesting will be the same regardless of whether the trees were put there legally or not. In addition, given the length of time between planting and harvesting, and the need for a prohibited activity rule to be certain, I can also see difficulties with having to 'prove' that an older forest was lawfully established under whatever legislation and planning framework were applicable at the time. In my view, it is appropriate to delete this rule and treat all harvesting the same, under Rule 4.5.4.
272. In my view, it is not appropriate to prohibit/otherwise require the cessation of all production forestry within this zone. It is my view that there may be some instances where the effects of forestry cannot be appropriately mitigated and new or further planting may not be appropriate. However the restricted discretionary pathway allows for consideration of these instances. In my view, there is not sufficient evidence that all forestry activities within the Zone have adverse effects that are not, in all cases, appropriate.

Recommendation

273. I recommend that Rule 4.1.6 be retained.
274. I recommend that Standard 4.3.6 is amended as follows:

4.3.6. Commercial forestry replanting

4.3.6.1. *Replanting must not be in, or within:*

(b) *8m of a Significant Wetland;*

(c) *30 200⁴¹ metres of the coastal marine area.*

4.3.6.2. *Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply*

275. I recommend that a new controlled activity be inserted as follows:

IR, DI

4.4.3 Commercial forestry replanting between 30 metres and 200 metres of the coastal marine area

Matters over which the Council has reserved control:

4.4.3.1 The location of planting, including areas of permanent planting

4.4.3.2 Effects of sedimentation, including those likely to arise from harvesting, and measures proposed to avoid or mitigate these effects⁴²

276. I recommend that Rule 4.5.3 is amended as follows:

4.5.3 Commercial forestry planting (excluding commercial forestry replanting that meets the permitted activity standards).⁴³

277. I recommend that Rule 4.5.4 be retained.

278. I recommend that Rule 4.7.1 be retained.

279. I recommend that Rule 4.7.2 be deleted.⁴⁴

280. I recommend that the definition of 'commercial forestry replanting' be amended as follows:

means the planting and growing of commercial forestry trees on land less than 5 years after commercial forestry harvesting has occurred. ~~indigenous or exotic tree species deliberately planted~~

⁴¹ 351.15 - H M Ballinger, 378.3 R. E & L J Hill, 404.44 - E Jorgensen, 418.18 - J Craighead, 419.1 - Fly-fish Marlborough, 420.2 - Windsong Orchard, 421.2 - J. Steggle, 422.2 - J. Richardson, 423.2 - C. Shaw, 424.146 - M & K Gerard, 479.220, 479.221 - DOC, 524.2 - A. Dolle, 529.3, 529.2 - A J Parr, 532.2 - A P V Millen, 578.19, 578.20 - Pinder Family Trust, 594.2 - C McBride, 598.2 - C R McLean, 599.2 - C R Soderberg Jr, 662.2 - D McBride, 688.189 - J & J Hellstrom, 699.1 - P & T Beech, 701.2 - F A C Chayter, 715.408 - Forest & Bird, 751.1, 751.2, 752.19, 752.20 - Guardians of the Sounds, 827.2 - J Rossell, 833.2 - J. Tillman, 861.2 - K. Raeburn, 865.2 - K Walshe, 869.28, 869.29, 869.30 - KCSRA, 915.2 - M C Dewar, 946.1, 946.2 - M D Oliver, 965.2 - MRFA, 1016.6 - P E Hunnisett, 1049.2 - Silverwood Partnership, 1066.2 - R. Heta, 1109.2 - S Browning, 1146.19, 1146.20 - Sea Shepherd New Zealand, 1179.2 - T R Stein, 1190.5, 1190.9, 1190.10 - BMCRRRA, 1193.16, 1193.20, 1193.21 - MEC, 1194.2 - The Sunshine Trust, 1209.2 - V Frei, 1228.2 - W R Oliver, 1230.2 - W Tillman.

⁴² 351.15 - H M Ballinger, 378.3 R. E & L J Hill, 404.44 - E Jorgensen, 418.18 - J Craighead, 419.1 - Fly-fish Marlborough, 420.2 - Windsong Orchard, 421.2 - J. Steggle, 422.2 - J. Richardson, 423.2 - C. Shaw, 424.146 - M & K Gerard, 479.220, 479.221 - DOC, 524.2 - A. Dolle, 529.3, 529.2 - A J Parr, 532.2 - A P V Millen, 578.19, 578.20 - Pinder Family Trust, 594.2 - C McBride, 598.2 - C R McLean, 599.2 - C R Soderberg Jr, 662.2 - D McBride, 688.189 - J & J Hellstrom, 699.1 - P & T Beech, 701.2 - F A C Chayter, 715.408 - Forest & Bird, 751.1, 751.2, 752.19, 752.20 - Guardians of the Sounds, 827.2 - J Rossell, 833.2 - J. Tillman, 861.2 - K. Raeburn, 865.2 - K Walshe, 869.28, 869.29, 869.30 - KCSRA, 915.2 - M C Dewar, 946.1, 946.2 - M D Oliver, 965.2 - MRFA, 1016.6 - P E Hunnisett, 1049.2 - Silverwood Partnership, 1066.2 - R. Heta, 1109.2 - S Browning, 1146.19, 1146.20 - Sea Shepherd New Zealand, 1179.2 - T R Stein, 1190.5, 1190.9, 1190.10 - BMCRRRA, 1193.16, 1193.20, 1193.21 - MEC, 1194.2 - The Sunshine Trust, 1209.2 - V Frei, 1228.2 - W R Oliver, 1230.2 - W Tillman.

⁴³ 1017.1 - P G Gilbert

⁴⁴ 425.700 - Federated Farmers, 578.37 - Pinder Family Trust, 640.47 - D & C Robbins, 752.37 - Guardians of the Sounds, 869.36, 869.37 - KCSRA, 990.155 - Nelson Forests Ltd, 1146.37 - Sea Shepherd New Zealand, 1190.13 & 1190.16 - BMCRRRA, 1193.23 - MEC.

~~for wood production to replace trees previously lawfully planted for the same purpose and subsequently harvested. This definition only pertains to the Coastal Environment Zone.~~⁴⁵

Rural Living and Coastal Living Zone (Rules 7.5.1, 7.5.2, 8.5.1 and 8.5.2)

281. Rules 7.5.1, 7.5.2, 8.5.1 and 8.5.2 list specific forestry activities within the Rural Living and Coastal Living Zones as prohibited activities, and as notified were the same as those included in the Coastal Environment chapter: commercial forestry planting and carbon sequestration forestry planting (non-permanent) on land identified as Steep Erosion-Prone Land, where the land has not been previously planted in lawfully established forestry (Rule 7.5.1/8.5.1); and the harvesting of commercial forestry on land identified as Steep Erosion-Prone Land, which has not been lawfully established (7.5.2/8.5.2).
282. As these rules also apply to woodlot forestry, it is noted that consideration of them, in relation to woodlot forestry, was considered in Topic 12: Rural Environments and those submissions are not repeated here.
283. As a result of the alignment with the NESPF, the rules relating to the Rural Living Zone have been split out to distinguish between: woodlot forestry planting and harvesting (which is not affected by the NESPF and is therefore retained as before as rules 8.5.1(b) and 8.5.2(b)); and commercial forestry planting and carbon sequestration forestry planting (non-permanent) which have reduced the application of the rule, as follows:
- 8.5.1(a) Commercial forestry planting, and carbon sequestration forestry planting (non-permanent) within the coastal environment on land identified as Steep Erosion-Prone Land, where the land has not been previously planted in lawfully established commercial or carbon sequestration (non-permanent) forestry.**
- 8.5.2(a) The harvesting of commercial forestry within the coastal environment on land identified as Steep Erosion-Prone Land, which has not been lawfully established.**
284. Rules 7.5.1 and 7.5.2 remain as notified because as the Coastal Living Zone is entirely within the defined coastal environment, they are giving effect to the NZCPS.
285. The objective and policy framework within Chapter 13 (Volume 1) is relevant to the Coastal Living Zone, and is as set out earlier in relation to the Coastal Environment Zone provisions. Similarly, the objective and policy framework within Chapter 14 (Volume 1) is relevant to the Rural Living Zone, and is as set out earlier in relation to the Rural Environment Zone provisions. Of most relevance to these particular provisions is Objective 15.4, which seeks that the quality of Marlborough's soil resource is maintained and enhanced, with Policy 15.4.3 directing that land use activities are controlled "to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters". Similarly, Policy 15.1.29 directs that land disturbance activities are controlled in order to mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water.

Submissions and Assessment

286. Beef and Lamb (459.9, 459.10) raise the same concerns regarding the prohibited activity rules for these zones as set out above in relation to the Rural Environment and Coastal Environment Zones. S & J Peoples (450.20, 450.21) support the prohibited rules in the Rural Living Zone.
287. My view on these rules is the same as set out above in relation to other zones; namely I consider that it is appropriate to retain 7.5.1 and 8.5.1(a) as it relates to restricting the establishment of new forestry in high-risk areas to avoid the consequential significant adverse effects in relation to

⁴⁵ 962.123 – MFIA, 990.13 - Nelson Forests Ltd, 1017.1 - P G Gilbert

sedimentation within the coastal environment and CMA. In relation to Rules 7.5.2 and 8.5.2(a) I consider the rule should be deleted.

Recommendation

288. I recommend that Rules 7.5.1 and 8.5.1(a) are retained.

289. I recommend that Rules 7.5.2 and 8.5.2(a) are deleted.⁴⁶

Prohibited Rules for Particular Species (Rules 3.7.2, 4.7.2, 7.5.3, 8.5.3)

290. There are a number of rules within the MEP that place restrictions on the planting of particular species of trees. Where these restrictions relate to commercial forestry planting they have been superseded by the NESPF and the rules amended or deleted to make it clear that they do not apply to activities managed under the NESPF. However, there are a number of prohibited activity rules that apply to the planting of particular species, and are not limited only to commercial forestry plantings. Specifically, Rules 3.7.2 (Rural Environment), 4.7.2 (Coastal Environment), 7.5.3 (Coastal Living) and 8.5.3 (Rural Living) all prohibit the planting of Lodgepole pine (*Pinus contorta*). While these rules no longer apply to forestry activities, the submissions on these rules have not been considered in any other topic and are therefore addressed here.

291. The most relevant policy to these rules is 7.2.10, which seeks to reduce the impact of wilding pines on the landscape by controlling the planting of commercial wood species that are prone to wilding pine spread.

Submissions and Assessment

292. There are a number of parties who support the prohibited activity rule in relation to one or more of the zones⁴⁷. Reasons given include that it is an appropriate response to the risk the species poses to areas of indigenous biodiversity and natural landscapes by wilding spread. M & K Gerard (424.175) seek, in relation to the Coastal Environment Zone, that the rule is expanded to add other weedy tree species. A number of parties⁴⁸ support the rule but seek that it is extended to include the same species listed in Standard 4.3.7.1, namely: Douglas fir (*Pseudotsuga menziesii*); Muricata pine (*Pinus muricata*); European larch (*Larix decidua*); Scots pine (*Pinus sylvestris*); Mountain or dwarf pine (*Pinus mugo*) and Corsican pine (*Pinus nigra*).

293. Federated Farmers (425.617, 425.701) oppose the prohibited status on the basis that it is unnecessary duplication because it is already managed under the Biosecurity Act 1993 as an Unwanted Organism, and under this legislation, anyone wanting to sell, exhibit, propagate, breed or multiply the plant must have a section 53 Biosecurity Act Permission from the Ministry for Primary Industries. They seek that the rule be deleted.

294. I agree with Federated Farmers that the rules duplicate the Biosecurity Act 1993. As such, I do not consider it necessary to retain the rules. In terms of expanding the species to which the list applies, I note that a prohibited activity status is the most restrictive activity status, and in my opinion should be used where the effects of the activity (in this case the planting of particular species) are not expected, in any circumstances to be appropriate. My understanding is that while these species can give rise to adverse effects from wilding spread, these do not arise in every instance. For example, the rule would prohibit planting anywhere, which would include where woodlot, shelterbelt or erosion

⁴⁶ Relates to 425.700 – Federated Farmers, 578.37 - Pinder Family Trust, 640.47 – D & C Robbins, 752.37 - Guardians of the Sounds, 869.36, 869.37 – KCRSA, 990.155 – Nelson Forests Ltd, 1146.37 - Sea Shepherd New Zealand, 1190.13 & 1190.16 – BMCRRRA, 1193.23 – MEC.

⁴⁷ 41.4, 41.7, 41.8, 41.11 - E R Beech, 439.4, 439.7, 439.8, 439.11 – J W Oswald, 450.19 – S & J Peoples, 476.7, 476.12, 476.13 – SMLRT, 479.213, 479.236 – DoC, 692.4, 692.7, 692.8, 692.11 – E R Beech, 1193.8 – MEC, 1250.8, 1250.5, 1250.4, 1250.1 – J S Fowler

⁴⁸ 578.38 - Pinder Family Trust, 752.38 - Guardians of the Sounds, 1146.38 - Sea Shepherd New Zealand, 1190.4 – BMCRRRA, 1193.24 – MEC.

control planting was taken within a property, with any wilding spread limited to within the property boundaries. I also understand that wilding spread can be limited by other factors, such as whether the affected land to which the seed spreads is grazed. As such, I do not consider that a prohibited activity status is justified in this instance.

295. For completeness, I consider that the Hearing Panel may wish to consider amending Policy 7.2.10 as a consequence of the effects of the NESPF, namely to delete or amend references in the policy and explanation to “*commercial*” wood species and plantation.

Recommendation

296. I recommend that Rules 3.7.2, 4.7.2, 7.5.3 and 8.5.3 are deleted.⁴⁹

Setbacks for buildings from forestry

297. Standards 3.2.1.7, 4.2.1.6 and 19.2.1.4 are standards that apply to all permitted activities in each of the Rural Environment, Coastal Environment and Open Space 3 zones respectively, and require:

A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

298. These rules are intended to implement Policy 11.1.22 which is:

Require a buffer between dwellings, ancillary structures and land used for commercial forestry.

Submissions and Assessment

299. Submissions relating to Policy 11.1.22 were considered in the Section 42A report for Topic 9: Natural Hazards, with no changes recommended to the policy.⁵⁰ M & K Gerard (424.140) support standard 4.2.1.6, stating that there are far too many homes already round Marlborough that are within this distance from a forest. As there were not submissions in opposition to these standards, I recommend that the standards are retained.

Recommendation

300. I recommend that Standards 3.2.1.7, 4.2.1.6 and 19.2.1.4 are retained as notified.

Mapping of Steep Erosion-Prone Land

301. The MEP planning maps include a layer identifying ‘Steep Erosion-Prone Land’. This mapping is relevant to a number of rules within the Rural Environment, Rural Living, Coastal Environment and Coastal Living Zones which manage commercial forestry planting, carbon sequestration forestry planting (non-permanent) and woodlot forestry planting, and harvesting⁵¹. The effect of these rules is that planting within the Steep Erosion-Prone Land area is prohibited in areas not previously planted and in most cases, harvesting within these areas where the commercial forestry or woodlot forestry has not been lawfully established is also prohibited. The specific prohibited activity rules have been considered above, with this section covering submissions made in relation to the mapping of Steep Erosion-Prone land.
302. Also related to this, the MEP contains a definition of ‘*Steep Erosion-Prone Land*’ which is ‘*as mapped on Steep Erosion-Prone Land Maps 1 to 10.*’

⁴⁹ 425.617, 425.701 – Federated Farmers

⁵⁰ Refer to paragraphs 113 – 115.

⁵¹ 3.3.8.2(f), 3.7.1, 4.3.7.2(e), 4.7.1, 4.7.2, 7.5.1, 7.5.2, 8.3.7.2(f), 8.5.1, 8.5.2.

Submissions

303. United Fisheries (1204.6) support the absence of there being a steep erosion prone land overlay on a specified land parcel in Inner Admiral Bay, seeking that the mapping is retained as proposed.
304. A number of submitters oppose the mapping, as follows:
- Submitters who seek that the mapping is revisited, including through ground-truthing,⁵² as they are concerned with the information that the mapping is based on, including that it is a desktop exercise and does not align with the situation on the ground. One example given is the comparison of the Coastal cliffs of Arapaoa island with the inland hills between Picton and Tuamarina, both identified as Steep Erosion Prone land.
 - Submitters who seek that the mapping be replaced by the Erosion Susceptibility Classification mapping prepared by LandCare Research as part of the development of the NESPF⁵³, as they consider that the MEP mapping is too broadbrush, whereas the NESPF mapping has been through greater peer review and refinement.
 - Submitters who seek that the mapping is removed entirely from the MEP,⁵⁴ for reasons including that it is flawed and that because it covers extensive areas of the Marlborough region and is used to inappropriately prohibit forestry, the benefits associated with forestry are lost in much of the region.
305. D A Baker (317.4) opposes the identification of part of his property (at 9 Ward Beach Road) being identified as erosion prone land, noting that the reason for the erosion is due to a farm track and water run-off causing minor run-off from a water tank and farm trough and stating that these issues are being remedied with planting. He seeks that the Steep Erosion-Prone Land overlay is removed from this property.
306. MDC (91.316) state that a slope factor has not been applied to the mapping of the Steep Erosion-Prone Land and therefore Class 8 and 7e land that is not on a slope but is unproductive land, such as estuaries have been inappropriately picked up. They attach two examples to their submission and request that these and similar features are removed from the Steep Erosion Prone Land Overlay. They also (91.238) identify that the mapping has included properties within the Urban Residential 2 Zone and state that this was not intended to be included. As such, they seek the Steep Erosion-Prone Land overlay be removed from any property zoned Urban Residential 2.
307. In relation to the definition, Land Vision Ltd (904.17, 904.18) raises concerns with the effect of Standard 3.3.8.2(f) seeking that it be deleted because it means that erosion control plantings are not permitted, which in turn prevents the main method for erosion control in highly erodible landscapes. While this standard relates to restrictions on woodlot forestry planting – which were addressed in Topic 12 – Rural Environments – as an alternate to deleting the standard, they seek that “a better definition of Steep Erosion Prone Land needs to be identified that is not based on a map generated from 1:50,000 scale map.” They consider that the large scale of the map is not relevant to the paddock scale where farmers or foresters are operating.

Assessment

308. I note that as a result of the NESPF alignment exercise, the effect of the Steep Erosion-Prone Land mapping has reduced, such that the application of it in relation to commercial forestry and carbon sequestration forestry (non-permanent) is only where within the Coastal Environment or Coastal Living zones, or otherwise within the coastal environment. These reductions do not apply to woodlot forestry planting.

⁵² 100.34 - East Bay Conservation Society, 468.7, 468.8 - Port Gore Group, 493.7, 493.8 - K Marchant, 1042.25 - Port Underwood Association

⁵³ 368.8 - K & S Ponder-West, 505.44, 505.45, 505.46, 505.47, 505.48, 505.49, 505.50, 505.51, 505.52, 505.53 – Ernslaw One Ltd, 1238.46 - Windermere Forests Ltd

⁵⁴ 388.5 - A M H Harvey, 425.789 - Federated Farmers, 515.25 - Mt Zion Charitable Trust

309. I have been provided with maps from the Council which provide a comparison between the Erosion Susceptibility maps within the NESPF and the Steep Erosion-Prone Land mapping. These also show the relationship between these areas and those which contain existing forestry⁵⁵. These are attached as Appendix 2 to this report. The difficulty, as I see it, is that there is little “very high” erosion susceptibility within the District (NESPF “red zone”), and in particular, very limited amounts in the Marlborough Sounds. If the MEP rules were amended to align with the “very high” category only, then the majority of the Marlborough Sounds area currently captured by the MEP rules would no longer be subject to the restrictions. In effect the prohibited activity planting rule within this area would all but be voided. In my view, this does not align with the Council’s technical report which indicates the issues of erosion and sedimentation within this area. Conversely, the “high” erosion susceptibility within the District (NESPF “orange zone”) covers a broader area than the MEP’s Steep Erosion-Prone Land, and aligning the MEP with both the orange zone/high and red zone/very high areas would increase the current application of the MEP rules. In my view the latter would not be appropriate because of the costs associated with applying a prohibited activity status to new planting within these areas. On balance, my preference is to retain the Steep Erosion-Prone Land mapping. The effect of this on commercial forestry is that it prohibits new planting within these areas; it does not affect the harvesting of existing plantations or replanting of existing forestry areas.
310. For completeness I note that if the Hearings Panel does agree with removing the Steep Erosion-Prone Land mapping as it relates to commercial forestry, either in entirety and thus relying only on the NESPF, or through use of the NESPF mapping instead, then consequential thought would need to be given to the rules within the MEP relating to woodlot forestry, to which the current mapping applies. For example, the Panel may wish to retain the mapping of Steep Erosion-Prone Land and its application to woodlot forestry rules, but not apply it to commercial forestry.
311. In terms of D A Baker’s property, it is my view that the reasons for erosion do not mean that the land is not erosion-prone and therefore I do not agree that this is a reason to remove the identification of the risk.
312. In relation to MDC’s submission, I agree that the overlay should be removed from properties zoned Urban Residential 2, as they are no rules in that zone that the overlay would apply to, making it redundant. In relation to the land that is currently identified within the overlay, but which is not on a slope, I agree that this does not align with the intent of the overlay, which is to identify steep land prone to erosion. I therefore agree with its removal but note that further work will be required to be undertaken to identify all land to which this applies. The Hearings Panel may wish to request that the submitter undertake the mapping exercise required to identify and remove the relevant land from the overlay.
313. In relation to the scale of the mapping, I note that the online mapping provides detail down to the property scale and therefore this mapping system can be used by farmers or foresters rather than the hard copy maps which are printed at a broader scale. I do not consider changes are required, as it is common for hard copy maps to be at a particular scale and for users who require more certainty in relation to scale to use online versions, or to request a more detailed map from the Council.

Recommendation

314. I recommend that the Steep Erosion-Prone Land mapping is retained.
315. I recommend that the Steep Erosion-Prone Land is amended to exclude properties zoned Urban Residential 2 and Class 8 and 7e land that is not on a slope.⁵⁶

⁵⁵ It is noted that the Council’s records in relation to existing forestry are not complete, but provide an indication of where most areas of forestry are located.

⁵⁶ 91.238, 91.316 - MDC

Appendix 1: Recommended decisions on decisions requested

In some cases the following recommendation may only apply to part of a submission point. This will occur where a single submission point addresses matters covered over multiple topics and therefore the same point will have recommendations against it in two or more Section 42A reports.

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
282	1	Warren Forestry Ltd	All	All		Reject
990	1	Nelson Forests Limited	All	All		Reject
990	2	Nelson Forests Limited	All	All		Reject
990	3	Nelson Forests Limited	All	All		Reject
505	1	Ernslaw One Limited	Volume 1	All		Reject
962	1	Marlborough Forest Industry Association Incorporated	Volume 1	1 Introduction	Guiding principles	Reject
962	2	Marlborough Forest Industry Association Incorporated	Volume 1	1 Introduction	Guiding principles	Reject
962	3	Marlborough Forest Industry Association Incorporated	Volume 1	1 Introduction	Guiding principles	Reject
990	157	Nelson Forests Limited	Volume 1	1 Introduction	Guiding principles	Reject
990	158	Nelson Forests Limited	Volume 1	1 Introduction	Guiding principles	Reject
962	5	Marlborough Forest Industry Association Incorporated	Volume 1	2 Background	Identifying regionally significant issues	Reject
752	27	Guardians of the Sounds	Volume 1	3 Rural Environment Zone	3.1.6.	Reject
1146	27	Sea Shepherd New Zealand	Volume 1	3 Rural Environment Zone	3.1.6.	Reject
505	57	Ernslaw One Limited	Volume 1	13 Use of the Coastal Environment	13	Reject
1193	14	The Marlborough Environment Centre Incorporated	Volume 1	13 Use of the Coastal Environment		Reject
1084	10	Raeburn Property Partnership	Volume 1	14 Use of the Rural Environment	14.	Accept in part
558	1	Bruce John Walton	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15A	Reject
630	1	Combined Clubs of Marlborough Underwater Section	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15A	Reject
1235	8	Wairau Valley Ratepayers and Residents'	Volume 1	15 Resource Quality (Water, Air,	Policy	Reject

		Association		Soil)	15.4.3	
1238	2	Windermere Forests Limited	Volume 1	17 Transportation	Issue 17D	Reject
990	4	Nelson Forests Limited	Volume 2	All		Accept in part
990	6	Nelson Forests Limited	Volume 2	All		Accept in part
869	30	Kenepuru and Central Sounds Residents Association Incorporated	Volume 3	All		Accept in part
25	1	David Miller	Volume 2	2 General Rules	3.3.7.17.	Reject
167	27	Killearnan Limited	Volume 2	2 General Rules	2.33.2.	Reject
336	8	William Ian Esson	Volume 2	2 General Rules	2.33.2.	Reject
505	18	Ernslaw One Limited	Volume 2	2 General Rules	2.	Reject
24	1	David Miller	Volume 2	3 Rural Environment Zone	3.3.7.9.	Accept in part
41	4	Edward Ross Beech	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
149	9	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.1.6.	Accept in part
149	10	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
149	14	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.6.2.	Accept in part
149	18	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
149	23	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.11.	Accept
149	24	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.9.	Accept in part
149	25	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.10.	Accept in part
149	26	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.12.	Accept in part
149	28	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.14.	Reject
149	29	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
149	43	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.6.	Reject
149	44	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.7.3.	Accept
167	11	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
167	12	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.7.14.	Accept
167	14	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.7.12.	Reject
167	16	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.7.4.	Reject
167	17	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept
167	20	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.6.3.	Reject

167	21	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.6.2.	Accept in part
232	25	Marlborough Lines Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
282	5	Warren Forestry Ltd	Volume 2	3 Rural Environment Zone	3.3.6.1.	Accept in part
282	6	Warren Forestry Ltd	Volume 2	3 Rural Environment Zone	3.3.7.	Accept in part
307	16	Tasman District Council	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
318	10	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.3.6.3.	Reject
318	16	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.3.7.12.	Accept in part
318	18	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
318	21	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.6.1.	Reject
359	31	WilkesRM Limited	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
425	354	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.1.6.	Accept in part
425	355	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.1.7.	Accept in part
425	359	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.1.	Accept in part
425	360	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.2.	Accept in part
425	361	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.3.	Accept in part
425	524	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.6.2.	Accept in part
425	527	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
425	616	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.1.	Reject
425	617	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.2.	Accept
425	618	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.7.3.	Accept
431	55	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
439	4	John Walter Oswald	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
448	2	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.3.7.3.	Reject
448	3	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.3.7.2.	Reject
448	4	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.3.7.1.	Reject
448	6	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.3.6.1.	Reject
448	9	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.1.6.	Reject
454	69	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.1.6.	Accept
454	72	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.6.3.	Accept
457	55	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.1.7.	Accept

459	47	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.7.1.	Reject
476	1	South Marlborough Landscape Restoration Trust	Volume 2	3 Rural Environment Zone	3.1.6.	Accept
476	7	South Marlborough Landscape Restoration Trust	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
479	191	Department of Conservation	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
479	192	Department of Conservation	Volume 2	3 Rural Environment Zone	3.3.7.	Accept in part
479	213	Department of Conservation	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
496	83	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	3 Rural Environment Zone	3.3.7.3.	Reject
496	84	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	3 Rural Environment Zone	3.3.7.12.	Reject
496	86	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	3 Rural Environment Zone	3.3.7.14.	Reject
496	102	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	3 Rural Environment Zone	3.3.7.11.	Reject
505	23	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.1.6.	Accept in part
505	24	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.1.7.	Accept in part
505	29	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.3.6.3.	Reject
505	31	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
505	36	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
578	27	Pinder Family Trust	Volume 2	3 Rural Environment Zone	3.1.6.	Reject
640	29	Douglas and Colleen Robbins	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
640	31	Douglas and Colleen Robbins	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
692	4	Edward Ross Beech	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
712	93	Flaxbourne Settlers Association	Volume 2	3 Rural Environment Zone	3.1.6.	Accept
715	378	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
715	379	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.6.	Reject
715	380	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
715	381	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.7.12.	Reject

715	382	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.7.14.	Reject
738	32	Glenda Vera Robb	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
738	34	Glenda Vera Robb	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
904	17	Land Vision Limited	Volume 2	3 Rural Environment Zone	3.3.8.2	Reject
909	46	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
935	29	Melva Joy Robb	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
935	31	Melva Joy Robb	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
962	144	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.1.6.	Accept in part
962	145	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.1.7.	Accept in part
962	149	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.6.	Reject
962	162	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.3.	Reject
962	163	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
962	168	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.9.	Accept in part
962	169	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.10.	Accept in part
962	170	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.11.	Accept in part
962	172	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.12.	Accept in part
962	175	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
962	181	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.14.	Accept
962	182	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
962	183	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
962	198	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject

990	26	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.	Reject
990	37	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.1.	Reject
990	38	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
990	41	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.6.	Reject
990	52	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.6.3.	Reject
990	57	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Reject
990	68	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
990	69	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.4.	Reject
990	74	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.9.	Accept in part
990	75	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.10.	Accept in part
990	76	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.11.	Accept in part
990	77	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.12.	Accept in part
990	78	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.12.	Accept in part
990	81	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
990	87	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.14.	Accept
990	91	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
990	117	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.4.	Reject
990	119	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.6.1.	Reject
990	120	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.7.3.	Accept
995	24	New Zealand Forest Products Holdings Limited	Volume 2	3 Rural Environment Zone	3.3.7.3.	Accept in part
995	25	New Zealand Forest Products Holdings Limited	Volume 2	3 Rural Environment Zone	3.1.	Reject
995	26	New Zealand Forest Products Holdings Limited	Volume 2	3 Rural Environment Zone	3.7.1.	Reject
995	28	New Zealand Forest Products Holdings Limited	Volume 2	3 Rural Environment Zone	3.1.6.	Reject
995	29	New Zealand Forest Products Holdings Limited	Volume 2	3 Rural Environment Zone	3.1.7.	Reject
1002	177	New Zealand Transport Agency	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
1039	118	Pernod Ricard Winemakers New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.6.	Accept in part

1140	31	Sanford Limited	Volume 2	3 Rural Environment Zone	3.3.7.	Reject
1193	4	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.3.7.3.	Reject
1193	7	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.7.1.	Accept in part
1193	8	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
1193	9	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.7.3.	Reject
1193	61	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.1.7.	Reject
1201	134	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.1.6.	Accept
1201	135	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.3.6.	Accept in part
1201	136	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.1.7.	Reject
1201	149	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.3.7.	Accept in part
1218	46	Villa Maria	Volume 2	3 Rural Environment Zone	3.1.7.	Accept
1238	3	Windermere Forests Limited	Volume 2	3 Rural Environment Zone	3.3.7.17.	Reject
1238	26	Windermere Forests Limited	Volume 2	3 Rural Environment Zone	3.3.6.3.	Reject
1238	32	Windermere Forests Limited	Volume 2	3 Rural Environment Zone	3.1.6.	Reject
1250	8	James Simon Fowler	Volume 2	3 Rural Environment Zone	3.7.2.	Reject
41	7	Edward Ross Beech	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
123	1	Don Miller	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
149	45	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept
149	49	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.3.6.	Reject
149	60	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
149	61	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
149	62	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
149	63	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
179	5	Tui Nature Reserve	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
179	6	Tui Nature Reserve	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
232	9	Marlborough Lines Limited	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
351	14	Helen Mary Ballinger	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept

351	15	Helen Mary Ballinger	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
378	3	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
378	4	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
378	5	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
388	7	Adrian Mark Henry Harvey	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
404	44	Eric Jorgensen	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
404	46	Eric Jorgensen	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
418	16	John Craighead	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
418	17	John Craighead	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
418	18	John Craighead	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
419	1	Fly-fish Marlborough	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
419	3	Fly-fish Marlborough	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
419	4	Fly-fish Marlborough	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
420	2	Windsong Orchard	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
420	3	Windsong Orchard	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
420	4	Windsong Orchard	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
421	2	Janet Steggle	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
421	3	Janet Steggle	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
421	4	Janet Steggle	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
422	2	Jan Richardson	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
422	3	Jan Richardson	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
422	4	Jan Richardson	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
423	2	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
423	3	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
423	4	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
424	140	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.2.1.6.	Accept
424	146	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
424	147	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.3.6.	Reject

424	171	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
424	172	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
424	173	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept in part
424	174	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.7.2.	Reject
424	175	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
425	356	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part
425	357	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
425	358	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
425	362	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept in part
425	363	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
425	364	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.3.	Accept in part
425	645	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept
425	695	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.6.3.	Reject
425	696	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.6.4.	Reject
425	699	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
425	700	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept
425	701	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.7.3.	Accept
425	793	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.6.2.	Reject
425	794	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Reject
439	7	John Walter Oswald	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
459	8	Beef and Lamb New Zealand	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
476	12	South Marlborough Landscape Restoration Trust	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
479	220	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.1.6.	Reject
479	221	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.3.6.	Reject
479	234	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
479	235	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
479	236	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
484	72	Clintondale Trust, Whyte Trustee Company Limited	Volume 2	4 Coastal Environment Zone	4.1.6.	Reject
502	8	Karaka Projects Limited	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept

505	42	Ernslaw One Limited	Volume 2	4 Coastal Environment Zone	4.3.6.2.	Reject
524	2	Alice Doole	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
524	3	Alice Doole	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
524	4	Alice Doole	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
529	2	Alison Jane Parr	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
529	3	Alison Jane Parr	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
529	4	Alison Jane Parr	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
532	2	Anthony Patrick Vincent Millen	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
532	3	Anthony Patrick Vincent Millen	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
532	4	Anthony Patrick Vincent Millen	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
552	1	Council of Outdoor Recreation Associations of New Zealand	Volume 2	4 Coastal Environment Zone	4.1.6.	Reject
578	19	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
578	20	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
578	36	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept
578	37	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
578	38	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
578	39	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
578	40	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
594	2	Corinne McBride	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
594	3	Corinne McBride	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
594	4	Corinne McBride	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
598	2	Carol Raewyn McLean	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
598	3	Carol Raewyn McLean	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
598	4	Carol Raewyn McLean	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
599	2	Carney Ray Soderberg jr	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
599	3	Carney Ray Soderberg jr	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
599	4	Carney Ray Soderberg jr	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
640	47	Douglas and Colleen Robbins	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
640	56	Douglas and Colleen Robbins	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject

648	45	D C Hemphill	Volume 2	4 Coastal Environment Zone	4.1.	Reject
662	2	Donald McBride	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
662	3	Donald McBride	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
662	4	Donald McBride	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
679	1	David Walker	Volume 2	4 Coastal Environment Zone	4.1.6.	Reject
679	2	David Walker	Volume 2	4 Coastal Environment Zone	4.1.7.	Reject
688	48	Judy and John Hellstrom	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept
688	189	Judy and John Hellstrom	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
692	7	Edward Ross Beech	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
699	1	Pete and Takutai Beech	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
701	2	Frances Alexandra C Chayter	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
701	3	Frances Alexandra C Chayter	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
701	4	Frances Alexandra C Chayter	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
715	408	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
715	409	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.	Accept in part
715	417	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
715	418	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
715	430	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part
738	56	Glenda Vera Robb	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
751	1	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
751	2	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part
752	19	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
752	20	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
752	36	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept
752	37	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
752	38	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
752	39	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part

752	40	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
827	2	Jos Rossell	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
827	3	Jos Rossell	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
827	4	Jos Rossell	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
833	2	Jason Tillman	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
833	3	Jason Tillman	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
833	4	Jason Tillman	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
861	2	Kerrin Raeburn	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
861	3	Kerrin Raeburn	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
861	4	Kerrin Raeburn	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
865	2	Karen Walshe	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
865	3	Karen Walshe	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
865	4	Karen Walshe	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
869	28	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part
869	29	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
869	31	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.6.3.	Reject
869	32	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.6.4.	Reject
869	36	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept in part
869	37	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
873	126	KiwiRail Holdings Limited	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Reject
915	2	Margaret C Dewar	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
915	3	Margaret C Dewar	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
915	4	Margaret C Dewar	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
935	56	Melva Joy Robb	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
946	1	Matthew David Oliver	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
946	2	Matthew David Oliver	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part

962	193	Marlborough Forest Industry Association Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Reject
965	2	Marlborough Recreational Fishers Association	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
972	2	Millen Associates Limited	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
972	3	Millen Associates Limited	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
990	122	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.1.	Reject
990	123	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.2.	Reject
990	126	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.	Reject
990	127	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.	Reject
990	129	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Reject
990	130	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.6.2.	Reject
990	152	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.4.	Reject
990	154	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.6.4.	Reject
990	155	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.7.2.	Reject
995	30	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.	Reject
995	31	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept
995	32	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.6.4.	Reject
995	33	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.6.3.	Reject
995	34	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.6.	Reject
995	35	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.7.1.	Reject
995	37	New Zealand Forest Products Holdings Limited	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept
1002	189	New Zealand Transport Agency	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1016	6	Philip Erwin Hunnisett	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1017	6	Peter Gilford Gilbert	Volume 2	4 Coastal Environment Zone	4.6.4.	Reject
1049	2	Silverwood Partnership	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1049	3	Silverwood Partnership	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part

1049	4	Silverwood Partnership	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1066	2	Raewyn Heta	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1066	3	Raewyn Heta	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1066	4	Raewyn Heta	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1109	2	Steffen Browning	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1109	3	Steffen Browning	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1109	4	Steffen Browning	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1146	19	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
1146	20	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1146	36	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept
1146	37	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
1146	38	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
1146	39	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1146	40	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1179	2	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1179	3	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1179	4	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1186	123	Te Atiawa o Te Waka-a-Maui	Volume 2	4 Coastal Environment Zone	4.3.6.	Reject
1190	4	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
1190	5	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.	Accept in part
1190	9	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1190	10	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.1.6.	Accept in part
1190	12	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept
1190	13	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
1190	14	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1190	15	The Bay of Many Coves Residents and	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part

		Ratepayers Association Incorporated				
1190	16	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
1193	16	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1193	20	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.	Accept in part
1193	21	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1193	22	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.7.1.	Accept
1193	23	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.7.2.	Accept in part
1193	24	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
1193	25	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1193	26	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1194	2	The Sunshine Trust	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1194	3	The Sunshine Trust	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1194	4	The Sunshine Trust	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1209	2	Verena Frei	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1209	3	Verena Frei	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1209	4	Verena Frei	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1228	2	Winston Robert Oliver	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1228	3	Winston Robert Oliver	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1228	4	Winston Robert Oliver	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1230	2	Wendy Tillman	Volume 2	4 Coastal Environment Zone	4.3.6.1.	Accept in part
1230	3	Wendy Tillman	Volume 2	4 Coastal Environment Zone	4.6.3.	Accept in part
1230	4	Wendy Tillman	Volume 2	4 Coastal Environment Zone	4.6.4.	Accept in part
1250	5	James Simon Fowler	Volume 2	4 Coastal Environment Zone	4.7.3.	Reject
41	8	Edward Ross Beech	Volume 2	7 Coastal Living Zone	7.5.3.	Reject
425	365	Federated Farmers of New Zealand	Volume 2	7 Coastal Living Zone	7.5.1.	Accept in part

425	366	Federated Farmers of New Zealand	Volume 2	7 Coastal Living Zone	7.5.2.	Accept in part
425	367	Federated Farmers of New Zealand	Volume 2	7 Coastal Living Zone	7.5.3.	Accept in part
439	8	John Walter Oswald	Volume 2	7 Coastal Living Zone	7.5.3.	Reject
459	9	Beef and Lamb New Zealand	Volume 2	7 Coastal Living Zone	7.5.1.	Reject
476	13	South Marlborough Landscape Restoration Trust	Volume 2	7 Coastal Living Zone	7.5.3.	Reject
692	8	Edward Ross Beech	Volume 2	7 Coastal Living Zone	7.5.3.	Reject
1250	4	James Simon Fowler	Volume 2	7 Coastal Living Zone	7.5.3.	Reject
41	11	Edward Ross Beech	Volume 2	8 Rural Living Zone	8.5.3.	Reject
425	369	Federated Farmers of New Zealand	Volume 2	8 Rural Living Zone	8.5.2.	Accept in part
425	370	Federated Farmers of New Zealand	Volume 2	8 Rural Living Zone	8.5.3.	Accept in part
439	11	John Walter Oswald	Volume 2	8 Rural Living Zone	8.5.3.	Reject
450	19	Shaun and Jane Peoples	Volume 2	8 Rural Living Zone	8.5.3.	Reject
450	20	Shaun and Jane Peoples	Volume 2	8 Rural Living Zone	8.5.2.	Reject
450	21	Shaun and Jane Peoples	Volume 2	8 Rural Living Zone	8.5.1.	Accept
459	10	Beef and Lamb New Zealand	Volume 2	8 Rural Living Zone	8.5.1.	Reject
692	11	Edward Ross Beech	Volume 2	8 Rural Living Zone	8.5.3.	Reject
1250	1	James Simon Fowler	Volume 2	8 Rural Living Zone	8.5.3.	Reject
505	56	Ernslaw One Limited	Volume 2	16 Coastal Marine Zone	16	Reject
167	1	Killearnan Limited	Volume 2	25 Definitions		Reject
260	1	Jaquetta Bradshaw	Volume 2	25 Definitions	25.	Reject
282	2	Warren Forestry Ltd	Volume 2	25 Definitions	25.	Reject
282	3	Warren Forestry Ltd	Volume 2	25 Definitions	25.	Reject
318	1	Reade Family Holdings	Volume 2	25 Definitions		Accept in part
336	22	William Ian Esson	Volume 2	25 Definitions	25.	Reject
336	24	William Ian Esson	Volume 2	25 Definitions	25.	Accept in part
336	25	William Ian Esson	Volume 2	25 Definitions	25.	Reject
336	26	William Ian Esson	Volume 2	25 Definitions	25.	Accept in part
425	385	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	386	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject

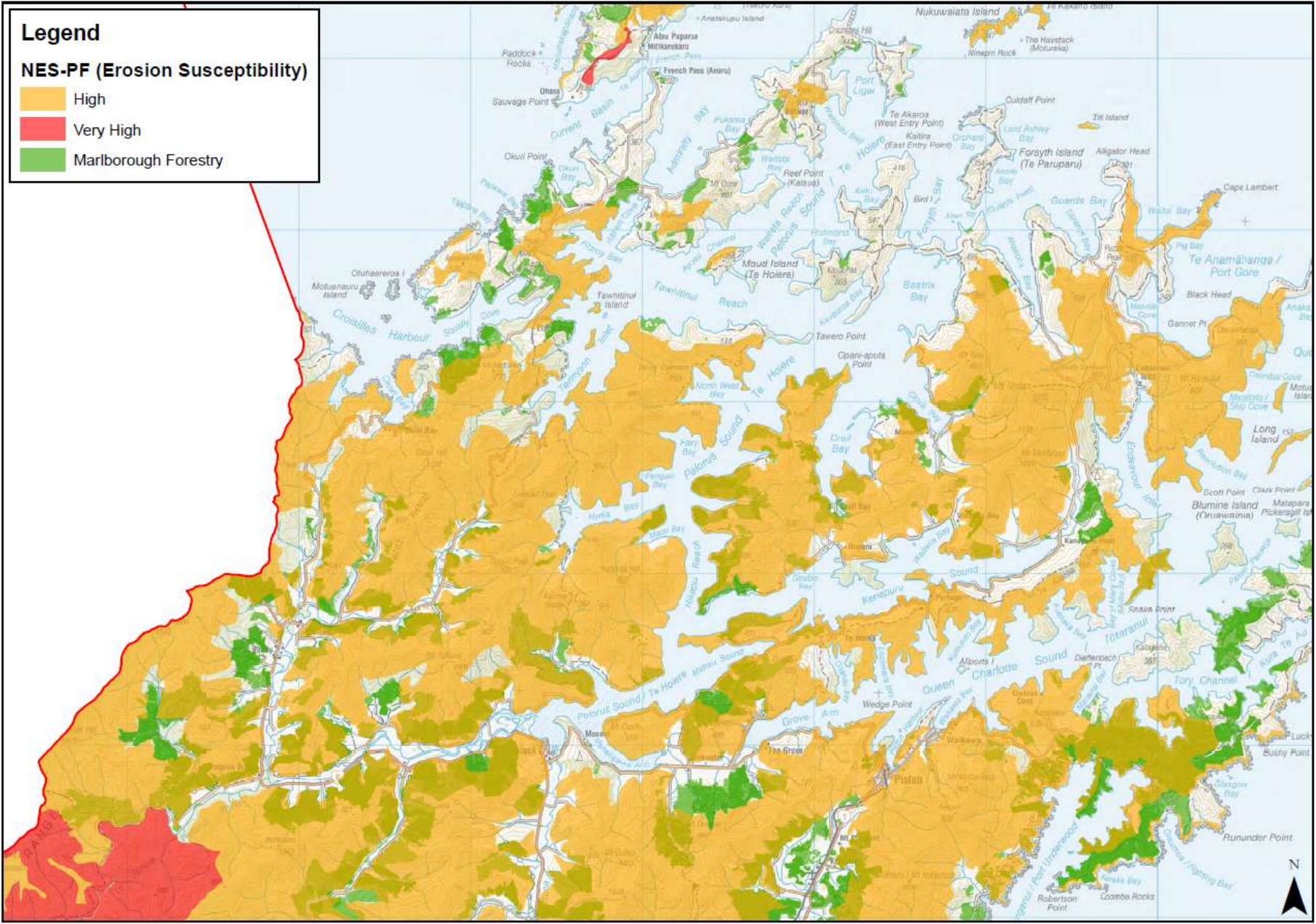
425	387	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
454	73	Kevin Francis Loe	Volume 2	25 Definitions	25.	Accept in part
469	8	Ian Bond	Volume 2	25 Definitions	25.	Reject
497	2	Heagney Bros Limited	Volume 2	25 Definitions	25.	Reject
648	46	D C Hemphill	Volume 2	25 Definitions	25.	Accept
904	18	Land Vision Limited	Volume 2	25 Definitions	25.	Reject
962	118	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	119	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	120	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	121	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	122	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	123	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Accept
962	125	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Accept in part
962	126	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
990	5	Nelson Forests Limited	Volume 2	25 Definitions	25.	Accept in part
990	7	Nelson Forests Limited	Volume 2	25 Definitions	25.	Accept in part
990	8	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	9	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	10	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	11	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	12	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	13	Nelson Forests Limited	Volume 2	25 Definitions	25.	Accept
990	15	Nelson Forests Limited	Volume 2	25 Definitions	25.	Accept in part
990	16	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
995	45	New Zealand Forest Products Holdings Limited	Volume 2	25 Definitions	25.	Reject

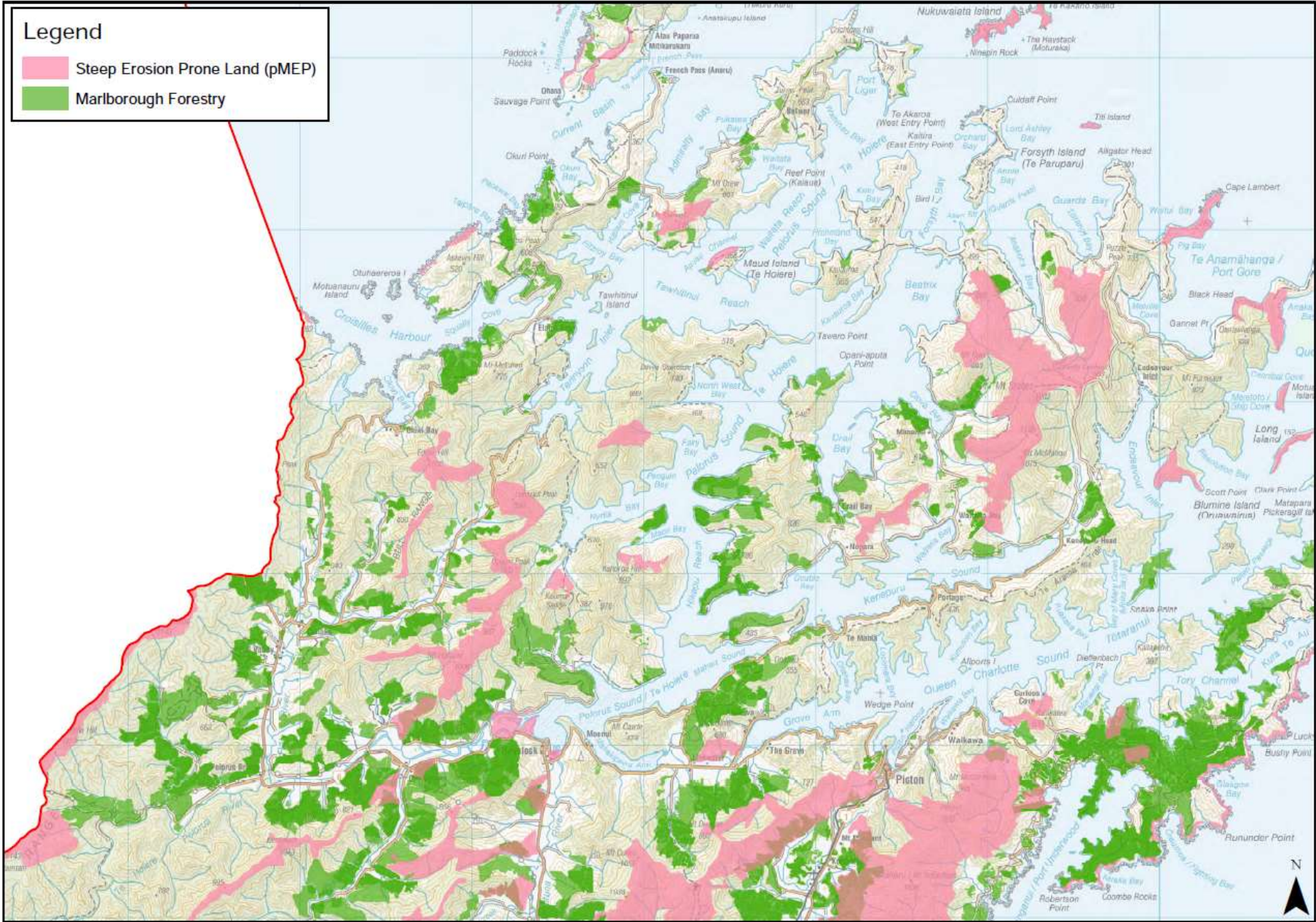
1017	1	Peter Gilford Gilbert	Volume 2	25 Definitions	25.	Accept in part
1017	2	Peter Gilford Gilbert	Volume 2	25 Definitions	25.	Reject
1238	28	Windermere Forests Limited	Volume 2	25 Definitions	25.	Reject
368	8	Kate and Shane Ponder-West	Volume 4	All		Reject
91	238	Marlborough District Council	Volume 4	Overlay Maps		Accept
91	316	Marlborough District Council	Volume 4	Overlay Maps	Steep Erosion Prone Land 3	Accept in part
100	34	East Bay Conservation Society	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
317	4	David Arthur Barker	Volume 4	Overlay Maps		Reject
388	5	Adrian Mark Henry Harvey	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
425	789	Federated Farmers of New Zealand	Volume 4	Overlay Maps		Reject
468	7	Port Gore Group	Volume 4	Overlay Maps	Steep Erosion Prone Land 1	Reject
468	8	Port Gore Group	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
493	7	Karen Marchant	Volume 4	Overlay Maps	Steep Erosion Prone Land 1	Reject
493	8	Karen Marchant	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
505	44	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion	Reject

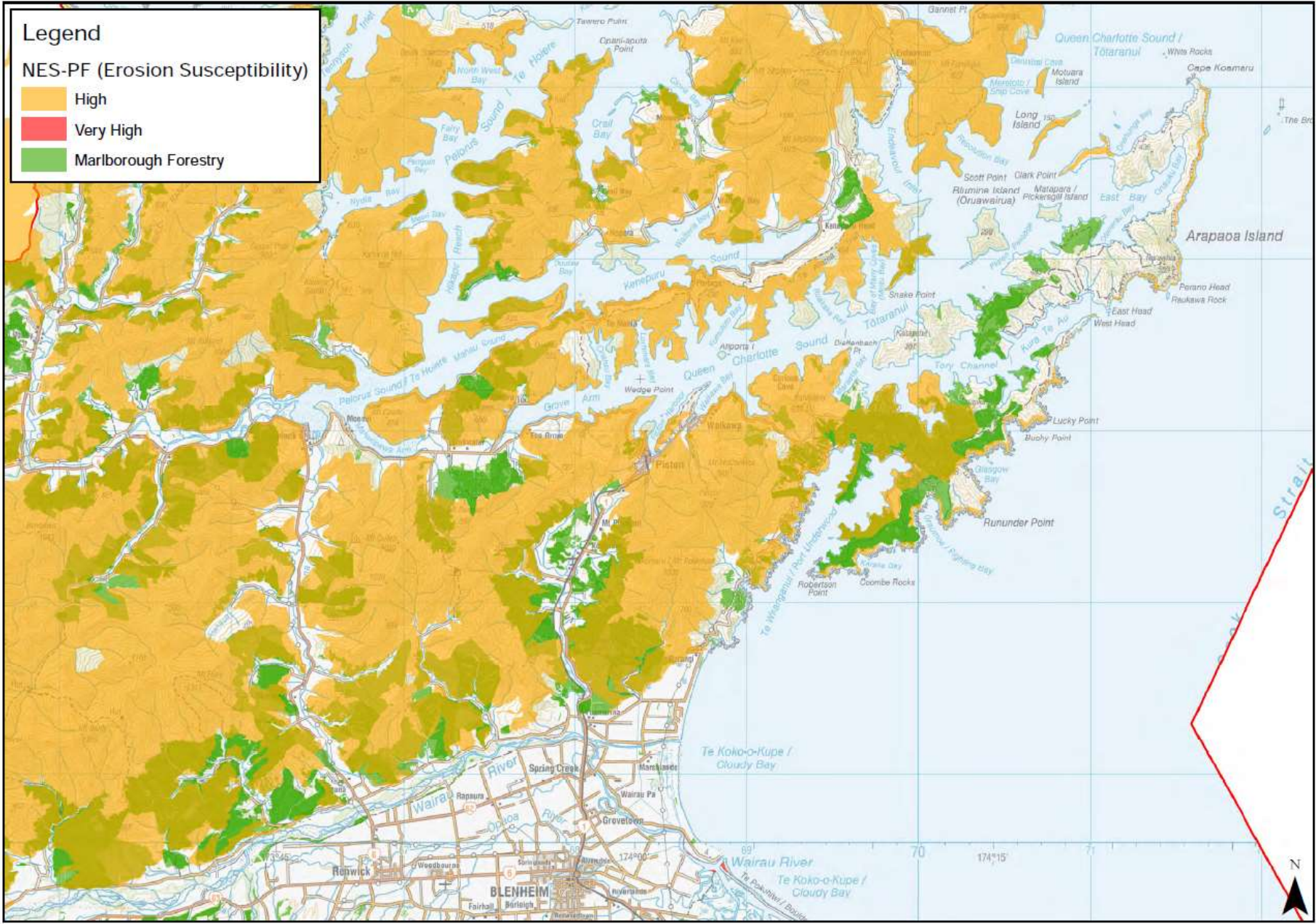
					Prone Land 1	
505	45	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 2	Reject
505	46	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 3	Reject
505	47	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
505	48	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 5	Reject
505	49	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 6	Reject
505	50	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 7	Reject
505	51	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 8	Reject
505	52	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 9	Reject
505	53	Ernslaw One Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 10	Reject

515	25	Mt Zion Charitable Trust	Volume 4	Overlay Maps	Steep Erosion Prone Land 4	Reject
1042	25	Port Underwood Association	Volume 4	Overlay Maps		Reject
1204	6	United Fisheries Holdings Limited	Volume 4	Overlay Maps	Steep Erosion Prone Land 1	Accept

Appendix 2: Steep Erosion-Prone Land and NESPF Erosion Susceptibility Mapping Comparison

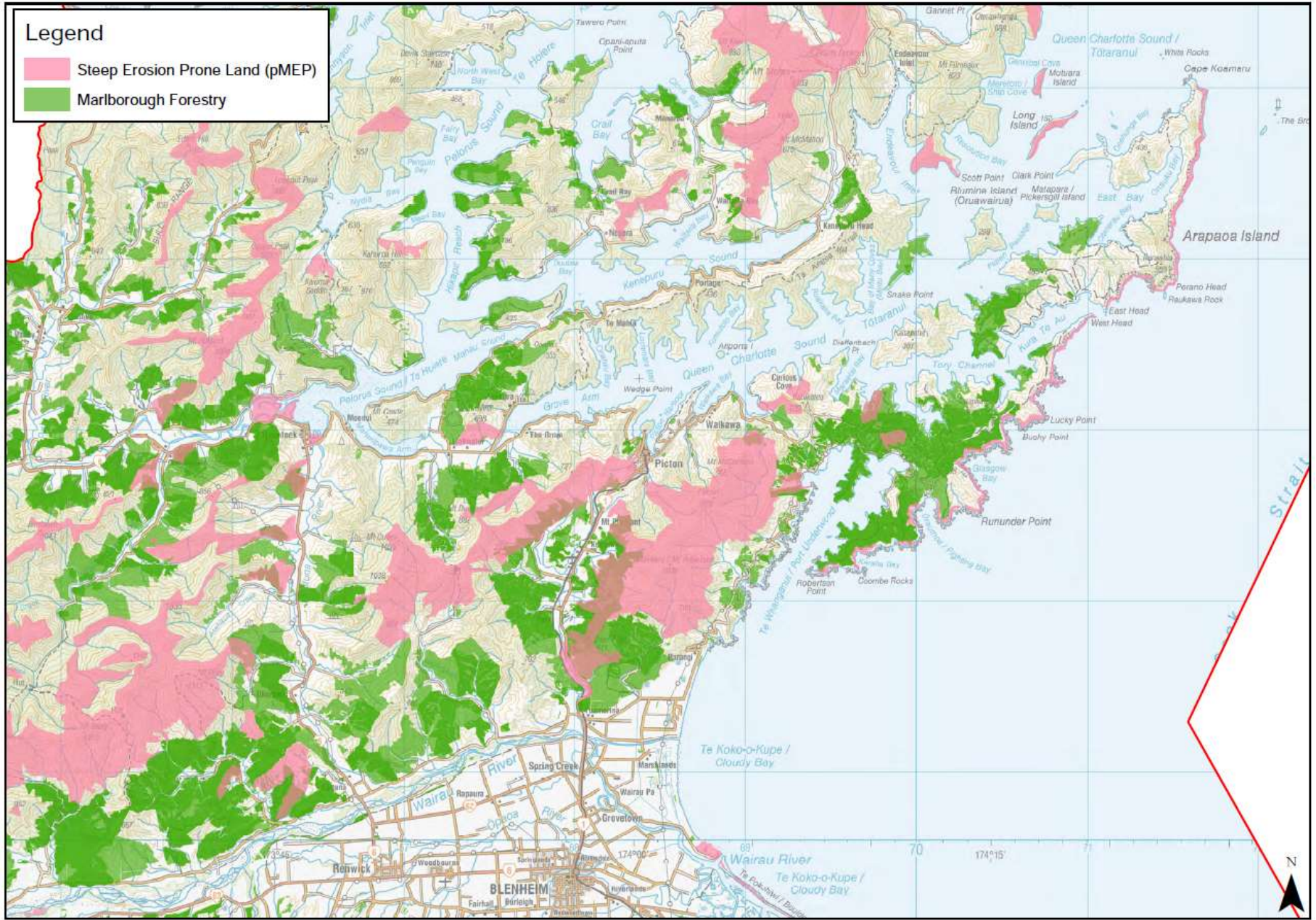


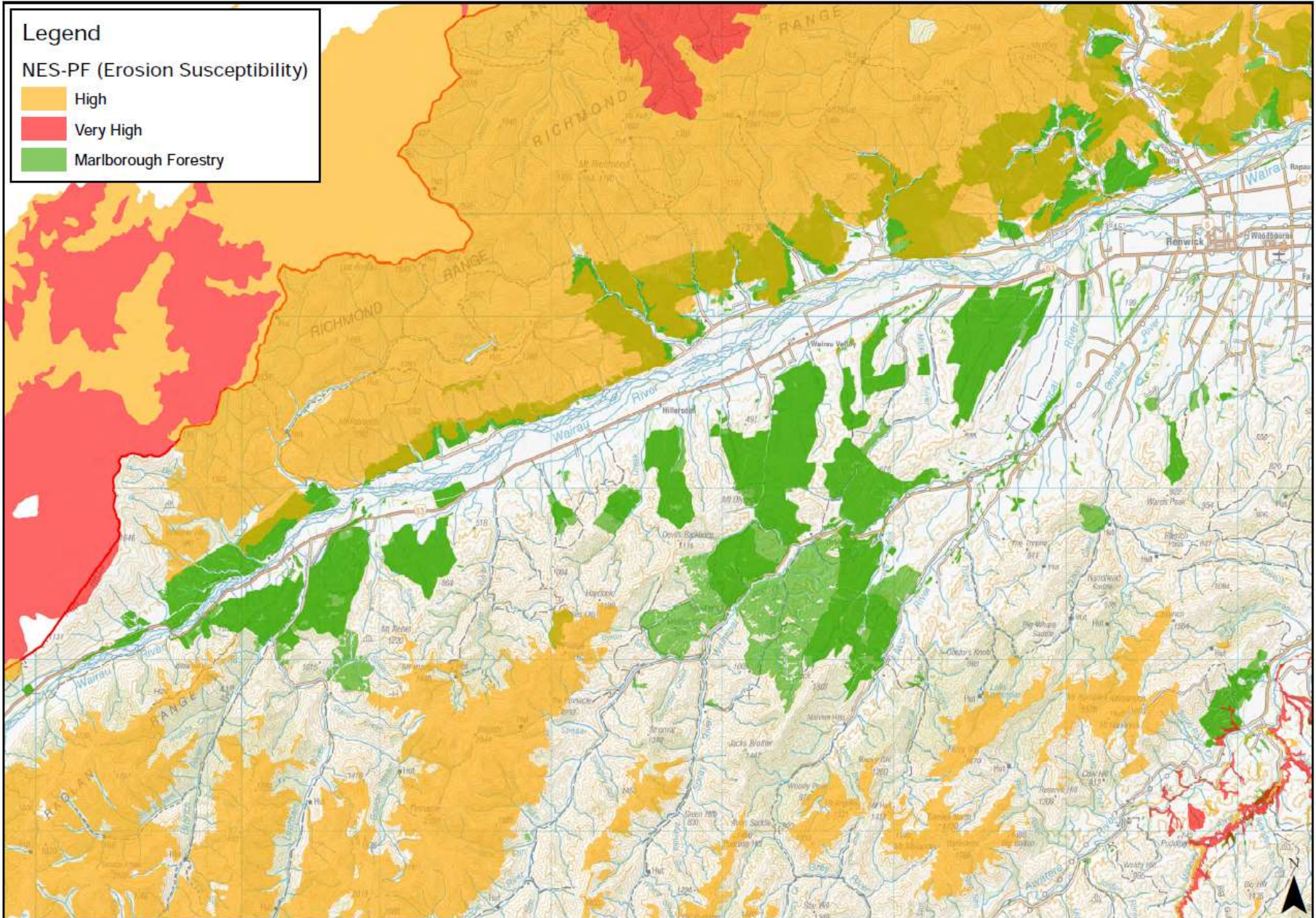


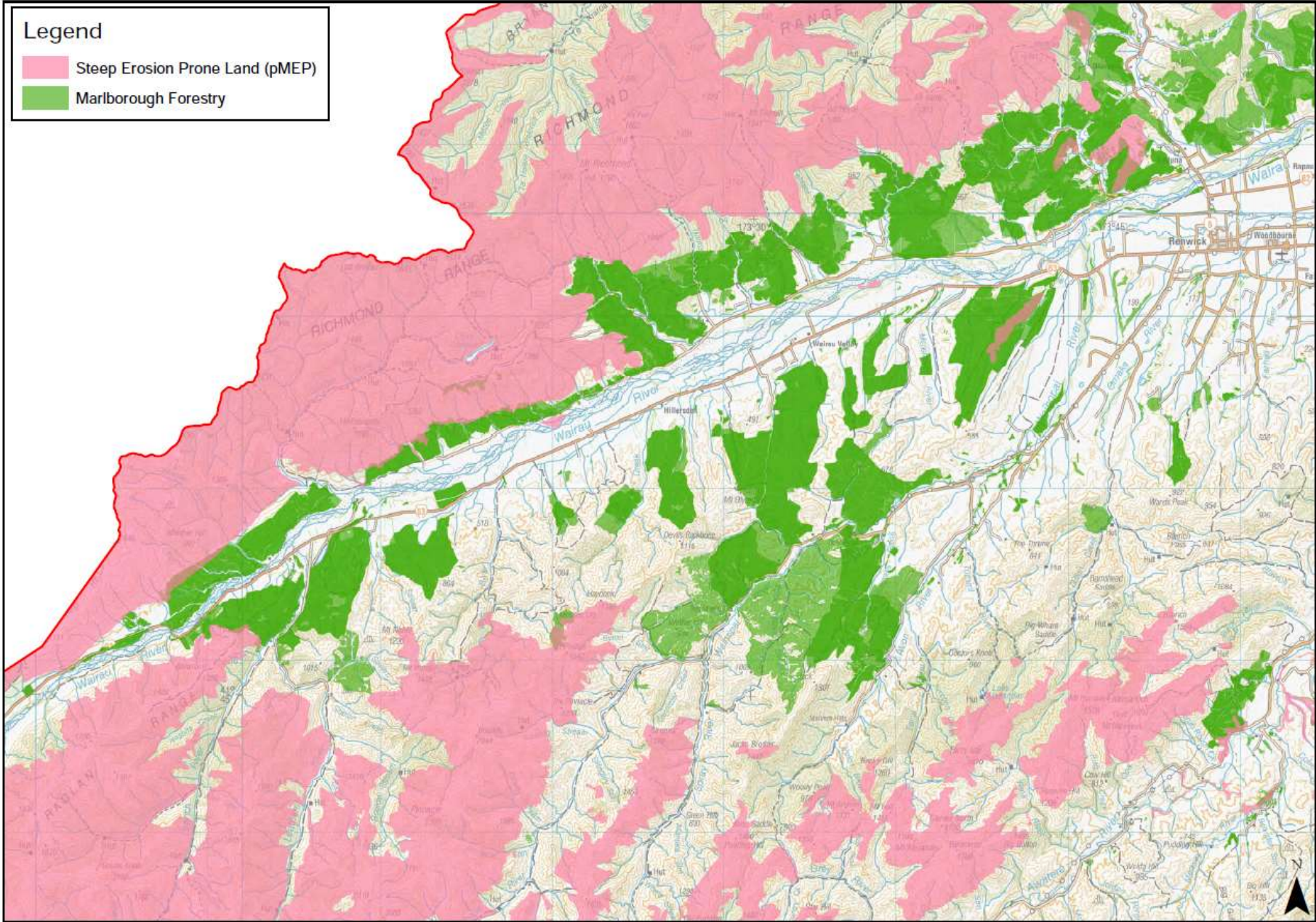


Legend

- Steep Erosion Prone Land (pMEP)
- Marlborough Forestry







Appendix 3: NESPF Alignment Exercise

Chapter 2: General Rules

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
Activity In, On, Over or Under the Bed of a Lake or River				
<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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
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> Culvert installation in, on, under or over the bed of a river 2.9.7 Standards that apply to specific permitted activities	<u>2.9.7.1.</u> <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> <u>2.9.7.2.</u> <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> <u>2.9.7.3.</u> <i>There must be no increase in the velocity of flow through or downstream of the culvert at the river's median flow.</i> <u>2.9.7.4.</u> <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> <u>2.9.7.5.</u> <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. 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. 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: <i>Note:</i> <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.7.7 does not apply.</i>
<u>Rule 2.10.1</u> 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.
Discharge to water				
<u>Rule 2.16.3</u> Discharge of stormwater	<u>2.17.3 Discharge of stormwater to water</u> <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: <i>Note:</i>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
<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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
	<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

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
<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>); (b) Lodgepole pine (<i>Pinus contorta</i>); (c) Muricata pine (<i>Pinus muricata</i>); (d) European larch (<i>Larix decidua</i>); (e) Scots pine (<i>Pinus sylvestris</i>); (f) Mountain or dwarf pine (<i>Pinus mugo</i>); (g) Corsican pine (<i>Pinus nigra</i>).</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"> - The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) - Outstanding Natural Features and Landscapes (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF); - Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF). <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><u>3.1.6 Commercial forestry planting 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>3.3.6.1.</u></p> <p><u>The following species must not be planted:</u></p> <p><u>(a) Douglas fir (<i>Pseudotsuga menziesii</i>);</u> <u>(b) Lodgepole pine (<i>Pinus contorta</i>);</u> <u>(c) Muricata pine (<i>Pinus muricata</i>);</u> <u>(d) European larch (<i>Larix decidua</i>);</u> <u>(e) Scots pine (<i>Pinus sylvestris</i>);</u> <u>(f) Mountain or dwarf pine (<i>Pinus mugo</i>);</u> <u>(g) Corsican pine (<i>Pinus nigra</i>).</u></p>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
	<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>(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>(d) 8m of a river (except an ephemeral river) or lake;</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>(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, <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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
<p><u>Rule 3.1.7.</u></p> <p>Commercial forestry harvesting.</p> <p>3.3.7</p> <p>Standards that apply to specific permitted activities</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>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.</p> <p><u>3.3.7.2.</u></p> <p>Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.</p> <p><u>3.3.7.3.</u></p> <p>Harvesting must not be in, or within:</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>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.</p> <p><u>3.3.7.5.</u></p> <p>No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.</p> <p><u>3.3.7.6.</u></p> <p>No excavation must occur on any land with a slope greater than 35°.</p> <p><u>3.3.7.7.</u></p> <p>Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.</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"> - Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); - The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) - Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF). <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>3.3.7.1.</p> <p>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.</p> <p>3.3.7.2.</p> <p>Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.</p> <p><u>3.3.7.3.</u></p> <p>Harvesting must not be in, or within:</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>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.</p> <p>3.3.7.5.</p> <p>No excavation or filling in excess of 1000m³ must occur on any land with a slope greater</p>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red strikeout or <u>red underlined</u>)
	<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>than 20° within any 24 month period.</p> <p>3.3.7.6.</p> <p>No excavation must occur on any land with a slope greater than 35°.</p> <p>3.3.7.7.</p> <p>Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.</p> <p>3.3.7.8.</p> <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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red strikeout or <u>red underlined</u>)
	<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 <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 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 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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red strikeout or <u>red underlined</u>)
	<p><i>Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.</i></p>			<p>3.3.7.17.</p> <p><i>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:</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 <50%.</i></p> <p>3.3.7.18.</p> <p><i>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.</i></p> <p>3.3.7.19.</p> <p><i>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.</i></p> <p>3.3.7.20.</p> <p><i>Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.</i></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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
				<i>harvesting, the standards in 3.2 do not apply.</i>
<p><u>Rule 3.1.11 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></p> <p><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></p> <p><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></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 the clearance is within the curtilage of a dwelling.</i></p> <p><u>3.3.11.3.</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>3.3.11.4.</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>(b) <i>coastal grassland;</i></p> <p>(c) <i>coastal flaxlands;</i></p> <p>(d) <i>coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (Phormium cookianum);</i></p> <p>(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></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 (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></p> <p><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 commercial forest, woodlot forest or shelter belt;</i></p> <p>Add the following note beneath Heading 3.3.11:</p> <p><u>Note:</u></p> <p><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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<p>(f) coastal small-leaved shrubland; (g) coastal salt turf; (h) coastal speargrass herbfield.</p> <p><u>3.3.11.5.</u> 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> 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; (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: (i) 500m2 of indigenous sub-alpine vegetation; (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</u> <u>Non-indigenous vegetation clearance.</u> 3.3.12 Standards that apply to specific permitted activities</p>	<p><u>3.3.12 - Non-indigenous vegetation clearance.</u> <u>3.3.12.1.</u> 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> 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> 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> 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> 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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and • The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) <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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<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>	

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
	<p><i>due to sediment or sediment laden discharge originating from the vegetation clearance site;</i> <i>(c) the change in reflectance must be <50%</i></p>			
<p><u>Rule 3.1.13</u> Cultivation. 3.3.13.4 Standards that apply to specific permitted activities</p>	<p><u>3.3.13. Cultivation.</u> <u>3.3.13.1.</u> <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> <u>3.3.13.2.</u> <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> <u>3.3.13.3.</u> <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> <u>3.3.13.4.</u> <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> <u>3.3.13.5.</u> <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> <u>3.3.13.6.</u> <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> <i>(a) hue must not be changed by more than 10 points on the Munsell scale;</i> <i>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;</i> <i>(c) the change in reflectance must be <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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.). <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>

Rule	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
<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><i>Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period.</i></p> <p><u>3.3.14.2.</u></p> <p><i>Excavation must not occur on any land with a slope greater than 35°.</i></p> <p><u>3.3.14.3.</u></p> <p><i>Excavation must not be in, or within:</i></p> <p>(a) <i>8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;</i></p> <p>(b) <i>8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</i></p> <p>(c) <i>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.</i></p> <p><u>3.3.14.4.</u></p> <p><i>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.</i></p> <p><u>3.3.14.5.</u></p> <p><i>There must be no excavation in excess of 10m³ within a Groundwater Protection Area.</i></p> <p><u>3.3.14.6.</u></p> <p><i>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.</i></p> <p><u>3.3.14.7.</u></p> <p><i>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.</i></p> <p><u>3.3.14.8.</u></p> <p><i>There must be no excavation in excess of 500m³ per Computer Register Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:</i></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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); • 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 • An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF). <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 red-strikeout or <u>red underlined</u>)
	<p>(a) Chalk Range; (b) Inland Kaikoura Range; (c) Molesworth Station and Upper Clarence; (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; (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site; (c) the change in reflectance must be <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 1000m³ 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 1000m³ 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 1000m³ 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, <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 red-strikeout or red underlined)
				conservation from the excavation.
<u>Rules under 3.6</u> Discretionary Activity	<u>3.6.1</u> Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards. <u>3.6.6</u> Quarrying and mineral extraction	<u>3.6.1</u> 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. <u>3.6.6</u> 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> No amendments recommended for Rule 3.6.1. <u>3.6.6</u> 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: <u>Note:</u> <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> Prohibited Activities	<u>3.7.1</u> 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. <u>3.7.2</u> Planting Lodgepole pine (Pinus contorta) <u>3.7.3</u> 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. 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. 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. 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. 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: <u>3.7.1(a)</u> 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> <u>3.7.1(b)</u> <u>Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.</u> <u>3.7.2</u> Planting Lodgepole pine (Pinus contorta). <u>Note:</u> <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 red-strikeout or <u>red underlined</u>)
			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 red-strikeout or <u>red underlined</u>)
<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"> - Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); - The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) - Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF). <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>(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><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 red-strikeout or <u>red underlined</u>)
	<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 >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 1,000m² 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 commercial forest, 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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<p>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;</p> <p>(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:</p> <p>(i) 500m² of indigenous sub-alpine vegetation;</p> <p>(ii) 100m² 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"> Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) <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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<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>	

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red strikeout or <u>red underlined</u>)
	<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 <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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.); and <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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<p>cultivation site;</p> <p>(c) the change in reflectance must be <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 1000m³ 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 500m³ 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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); • 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 • An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF). <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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or <u>red underlined</u>)
	<p><u>4.3.13.8.</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>4.3.13.9.</u></p> <p><i>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.</i></p> <p><u>4.3.13.10.</u></p> <p><i>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:</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 site;</i></p> <p><i>(c) the change in reflectance must be <50%.</i></p>			
<p><i>Rule 4.6</i></p> <p><i>Discretionary Activities</i></p>	<p><u>4.6.1</u></p> <p><i>Any activity provided as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.</i></p> <p><u>4.6.3.</u></p> <p><i>Commercial forestry planting.</i></p> <p><u>4.6.4.</u></p> <p><i>Commercial forestry harvesting.</i></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 & 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>4.6.3 <u>4.5.3</u></p> <p><i>Commercial forestry planting</i></p> <p><u><i>Matters over which the Council has restricted its discretion:</i></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>4.6.4. <u>4.5.4</u></p> <p><i>Commercial forestry harvesting.</i></p>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended (identified as red-strikeout or red underlined)
	<p><u>4.6.6.</u> 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> <i>Prohibited Activities</i></p>	<p><u>4.7.1.</u> <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> <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> <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> <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
<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 commercial forest, 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
	<p>(b) coastal grassland;</p> <p>(c) coastal flaxlands;</p> <p>(d) coastal vegetation dominated by (making up >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 1,000m² 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) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(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:</p> <p>(i) 500m² of indigenous sub-alpine vegetation;</p> <p>(ii) 100m² 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"> Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.) <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
	<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>marine area. All other Standards do apply.</p>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
	<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 <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 50m³ 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 50m³ 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
	<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
	<i>breakdown;</i> <i>(d) liquids or sludge.</i>			
<u>Rule 7.4.1</u> <i>Discretionary Activities</i>	<u>7.4.1</u> <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> <i>Prohibited Activities</i>	<u>7.5.1.</u> <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> <u>7.5.2.</u> <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> <u>7.5.3.</u> <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. 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. 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. 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. Add the following note beneath Rule 7.5.3: <i>Note:</i> <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
<u>Rule 8.1.11</u> <i>Removal of vegetation</i> <u>8.3.10</u>	<u>8.3.10 Removal of vegetation</u> <u>8.3.10.1</u> <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). 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
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 50m³ 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 50m³ 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, and carbon sequestration forestry planting (non permanent) 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.</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 within the coastal environment or woodlot forestry plantings 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 1000m² 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) 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 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 commercial forest, 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
	(i) 500m ² of indigenous sub-alpine vegetation; (ii) 100m ² 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"> Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); and The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policy 22 of the NZCPS.). <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
	<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 <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"> • Significant Wetlands (able to be more stringent in accordance with Regulation 6(2)(b) of the NES-PF); • Drinking water supplies (able to be more stringent in accordance with Regulation 6(3)(c) of the NES-PF); • 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 • An outstanding natural feature or landscape (able to be more stringent in accordance with Regulation 6(2)(a) of the NES-PF). <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"> • Standard 19.3.5.3(c) relating to earthworks and potential effects on the structural integrity of stopbanks; and • Standard 19.3.5.6 relating to earthworks and the potential to cause adverse effects on the flood carrying capacity within Flood Hazard Areas. 	<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
	<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 <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 1000m³ 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 1000m³ 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
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 <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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
	<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
	<p><i>when not flowing), lake or Significant Wetland.</i></p> <p><u>20.3.5.6.</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>20.3.5.7.</u></p> <p><i>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.</i></p> <p><u>20.3.5.8.</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>20.3.5.9.</u></p> <p><i>No woody material of greater than 100mm diameter must be left in a river, lake or Significant Wetland.</i></p> <p><u>20.3.5.10.</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 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 <50%.</i></p> <p><u>20.3.5.11.</u></p> <p><i>If the clearance is of indigenous vegetation, the following also applies:</i></p> <p><i>(a) no more than 500m² of indigenous sub-alpine vegetation must be cleared in any 5 year period;</i></p> <p><i>(b) no more than 100m² of tall tussock of the genus Chinochloa must be cleared in any 5 year period.</i></p>			
<p><u>Heading 20.4</u></p> <p><i>Restricted Discretionary</i></p>	<p><u>20.4.1</u></p> <p><i>Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period.</i></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
Activities	<i>Matters over which the Council has restricted its discretion:</i> 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.	<u>National Environmental Standards for Plantation Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</u>
<u>Heading 20.5</u> Discretionary Activities	<u>20.5.1</u> 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
<u>Rule 22.1.7</u> Excavation 22.3.6 Standards that apply to specific permitted activities	<u>22.3.6 Excavation</u> <u>22.3.6.1.</u> Excavation in excess of 1000m ³ must not occur on land with a slope greater than 20° within any 24 month period. <u>22.3.6.2.</u> 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. <u>22.3.6.3.</u> 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. <u>22.3.6.4.</u> Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation. <u>22.3.6.5.</u> 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. 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: <ul style="list-style-type: none"> The coastal marine area (able to be more stringent in accordance with Regulation 6(1)(b) and Policies 15 and 22 of the NZCPS.) 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. 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: 22.1.7. Excavation, <u>including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</u> Add the following note beneath Rule 22.3.6: <u>Note:</u> <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>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
	<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 <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
	<p>(a) duneland vegetation;</p> <p>(b) coastal grassland;</p> <p>(c) coastal flaxlands;</p> <p>(d) coastal vegetation dominated by (making up >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 National Environmental Standards for Plantation Forestry 2017.</i></p> <p>Add the following note to Heading 22.3.9:</p> <p><i>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</i></p>

Rule #	Rule	What is area of conflict or duplication?	Does NESPF allow more stringent rule?	Amendment recommended
	<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 <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
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 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>