



**Minutes of a Meeting of the  
ENVIRONMENT & PLANNING COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim and via Teams on  
THURSDAY, 14 MARCH 2024 commencing at 9.00 am**

**Present**

Cirs G A Hope (Chairperson), B A Faulls (Deputy), S A Arbuckle, R J Innes, B J Minehan, T P Sowman, Mr S Harvey (Rural Representative)

**Also Present**

Cirs S R W Adams, J A Arbuckle, J D N Croad and D A Dalliesi

**In Attendance**

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Nicole Chauval (Committee Secretary)

**Apologies**

Cirs Hope/Minehan:

That the apology for absence from the Mayor N P Taylor and Clr A R Burgess be received and sustained and the apology for non attendance from Clr M R K Flight be noted.

**Carried**

**E&P-0324-317 Declaration of Interests** -

No interests with items on the agenda were declared.

ATTENDANCE: Mr Peter Davidson, Council's Environmental Scientist – Groundwater, was present for the following two items and Andy White, Council's Rivers & Drainage Engineering Manager, was present for the following item.

**E&P-0324-318 Wairau Plain Drainage and Groundwater Report**  
**E345-007-001**

Mr Davidson presented the Wairau Plain Drainage and Groundwater Report to members. The report is available on Council's [website](#)

Members were advised that the prominent aim of the research was to understand the influence of drainage on groundwater systems since European settlement for hydrologic completeness and to determine if future drainage requires any policy and operational intervention, especially in the Lower Wairau.

Mr White noted that the project evolved through discussions with Council Rivers & Drainage group around the role high groundwater tables played in Wairau Plain surface flooding during the July/August 2022 storm events. The report reviewed aquifer response and documented the previously undefined hazards for Marlborough of groundwater flooding. The information from the report will be used by Assets and Services as part of the Wairau Flood management scheme review.

The main findings of the report were detailed in the agenda item.

Cirs Faulls/Sowman:

That the report be received.

**Carried**

ATTENDANCE: Ms Charlotte Tomlinson, Council's Hydrologist and Rob Agnew, Plant and Food Marlborough Scientist were present for the following item.

**E&P-0324-319      Late Summer 2024 Marlborough Climate,  
Rainfall, River, Wetland & Aquifer Status Update  
E345-007-001**

Members noted that the purpose of the report was to provide update on the latest state of Marlborough water resources, climate and climate predictions through autumn 2024.

To highlight the information Ms Tomlinson and Mr Agnew provided powerpoint presentations (presentations filed in CM Record Nos. 2457001 and 2457002).

Members were advised that the top of the South Drought Committee had met yesterday. MPI have advised that drought classification has not been made for Marlborough at this time although a number of organisations had sent letters explaining the local conditions. It was noted that MPI and the Ministry of Agriculture are the ones that make the decision on classifying whether areas are in a drought.

Clr J Arbuckle noted the information presented today is powerful and queried whether the decision makers were getting this type of information in front of them. Ms Tomlinson advised that there may be a disconnect between the national data, models and local expertise.

It was raised whether the information that Council collects could be provided to the appropriate organisations for better decision making. Ms Tomlinson noted the next top of the South Drought Committee meeting is at the end of March and Ben Knowles from NIWA has been invited to attend to discuss the drought index that NIWA has created and answer those types of questions.

During the presentation Mr Davidson noted the declining trend of the Wairau Aquifer and discussed possible mitigation of that by lifting the riverbed levels and having more responsive ways of managing water allocation in dry conditions. It is proposed that separate workshops will be held with staff, Councillors and the public later this year on this.

Invited by the Chair, Mr Budyong Hill from Climate Karanga Marlborough, present in the public gallery, posed a question to Mr Davidson who provided a detailed response on the natural gravel supply for the Wairau River catchment.

**Cirs Hope/Faults:  
That the information be received.**

**Carried**

Postscript: At the conclusion of the meeting members were advised that there had been a media release from the Minister of Agriculture advising that the decision had been made to classify drought conditions in Marlborough, Tasman, and Nelson districts as a medium-scale adverse event.

ATTENDANCE: Clr Dalliessi withdrew from the meeting at 10.13 am during the following item.

ATTENDANCE: Ms Sarah Pearson, Council's Strategic Planner, was present for the following two items.

**E&P-0324-320      National Policy Statement for Freshwater  
Management – Work programme update  
M100-14-05-02**

Ms Pearson provided an update on the Council's work programme relating to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020) in light of the new coalition Government's intention to review and replace this policy statement in the next 18 to 24 months.

The work programme areas and completion timelines were detailed in the agenda item and the work programme timeline was attached to the agenda item for members' information.

It was reported that the deadline for councils to notify plan changes has been extended to 31 December 2027.

Members were advised that Marlborough's position in the planning cycle is considered positive as the Proposed Marlborough Environment Plan (PMEP) is a modern plan with extensive operative water quality and water allocation provisions which give effect to the NPSFM 2014 and 2017 versions.

Members were advised that to date the NPSFM work programme has completed three of the six steps as prescribed in the NPSFM 2020. To be ready to respond to the reviewed NPSFM Council must continue to build regional understanding to ensure that any policy changes are evidentially supported, fully assessed and tested.

Ms Pearson noted that the state of Marlborough's freshwater is comparatively good when compared to the rest of New Zealand's regions. The risk of any serious freshwater degradation occurring during the NPSFM replacement period is considered low, due to an extensive monitoring network and programmes underway to address known issues and make improvements, combined with PMEP provisions.

Members were advised that Marlborough's Iwi have indicated they wish to keep going and will take advantage of the extra time provided by Government to fully participate in Council's regional freshwater management. This will enable a fuller understanding of māturanga Māori and Māori freshwater values, Iwi visions, and cultural monitoring with which to boost the cultural framework within the PMEP.

Ms Pearson advised members that the next steps will be to complete the analysis of submissions to the second round of community engagement, and review of the values, visions and environmental outcomes for each FMU. Also staff will continue to closely monitor Government information on the NPSFM review, liaise with the Ministry of Environment as needed, and report to the Committee when changes occur.

**Cirs Hope/Innes:**  
**That the report be received.**

**Carried**

Attendance: Clr J Arbuckle withdrew the meeting at 10.23 am during the following item.

## **E&P-0324-321      Annual Air Quality Monitoring Report – Blenheim 2023      E300-004-003-01**

Ms Pearson presented the Annual Air Quality Monitoring Report – Blenheim 2023, prepared by Emily Wilton, Environet Limited to members. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2456999).

The report noted that during 2023 there was only one exceedance of 50 µg/m<sup>3</sup> (24-hour average) for PM<sub>10</sub> in Blenheim for the calendar year. As one exceedance per year is tolerated, there were no breaches of the NES for PM<sub>10</sub> for the 2023 calendar year. However, as the exceedance has occurred within 365 days of the previous exceedance this is considered a breach of the NES. The maximum PM<sub>10</sub> concentration in 2023 was 54.5 µg/m<sup>3</sup> (24-hour average).

Members were advised that the annual average PM<sub>10</sub> concentration for 2023 was 14 µg/m<sup>3</sup> and is the lowest concentrations measured since the NES was introduced. Data for 2023 is consistent with there being a decrease PM<sub>10</sub> concentrations in Blenheim over time. It was noted that an airshed must be compliant with the NES for PM<sub>10</sub> for five consecutive years to be considered non-polluted.

It was further advised that concentrations of PM<sub>2.5</sub> exceeded 25 µg/m<sup>3</sup> (24-hour average proposed NES) on 15 occasions but monitoring for PM<sub>2.5</sub> did not commence until June 2023. The number of exceedances of the proposed PM<sub>2.5</sub> NES in 2023 was significantly lower than previous years (prior minimum was 27 in 2022).

Ms Pearson noted that management measures to reduce PM<sub>10</sub> concentrations to meet the NES have been included in the Proposed Marlborough Environment Plan (notified June 2016). Measures are based on a 2012 assessment which predicted concentrations would reduce from 2012 to 2018 in the absence of regulation.

Ms Pearson provided members with an update on the monitoring site in Picton noting it is anticipated that the machine will be online for this winter to measure PM<sub>10</sub>.

**Cirs Hope/S Arbuckle:**  
**That the 'Annual Air Quality Monitoring Report - Blenheim 2023' be received.**

**Carried**

ATTENDANCE: Mr Jake Oliver, Council's Harbourmaster, was present for the following item.

## **E&P-0324-322    Marlborough Common Passage Plan    H100-001-01**

Mr Oliver presented the draft Marlborough Common Passage Plan (MCP) which was separately attached to the agenda for members' information. To highlight the report and a powerpoint was shown (presentation filed in CM Record No. 2456997).

Members were advised that the MCP is a document produced and issued by the Marlborough District Council (MDC) which seeks to improve pre-pilotage communications between pilots, the holders of pilotage exemption certificates and the vessels they service.

Mr Oliver reported that the MCP seeks to improve the readiness of vessels transiting pilotage areas within the Marlborough Sounds ensuring that voyage plans, waypoints and other planning considerations have been completed in a standardised manner. It also seeks to improve water space management and situational awareness between piloted and non-piloted vessels within the Marlborough Sounds.

Mr Oliver advised that the draft MCP was provided to Port Marlborough, InterIslander, and StraitNZ and their feedback has been received and responded to.

It was reported that the intention is the MCP will be in effect and existing operations will begin to transition to the new plan between 1 April and 31 July 2024. Once the new passage plan has been received and approved, the existing plan approvals will be revoked. Transit monitoring via TransitAnalyst for performance of the vessels compared to the MCP will commence from the 1 August 2024.

Members were advised that there will be no changes made to the MCP for the first 60 days of operations, after this period comments may be submitted and considered in line with the change policy in the document. Any exceedances within the first 60 days will be captured and collated into a report that will be provided to Council, Port Marlborough, InterIslander and StraitNZ.

**Cirs Innes/Fauls:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Katie Littlewood, Council's Principal Coastal Scientist, was present for the following item.

## **E&P-0324-323    Whangarae Estuary Broadscale Habitat Mapping Report 2023    E325-002-002**

Ms Littlewood advised that the purpose of report was to present the findings from the State of the Environment (SOE) monitoring report in Whangarae Estuary in 2023 to the Committee. The Whangarae Estuary: 2022/2023

Broad-scale Intertidal Habit Mapping Summary; Salt Ecology Short Report 028 was separately attached to the agenda for members' information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2456995).

Members were advised that the report findings highlight Whangarae Estuary is in 'very good' condition with well flushed tidal flats dominated by firm substrate, and the presence of shellfish beds and seagrass. Mud-elevated sediments have expanded since 2016 in the south-east arm, likely credited to repeat flood events in 2021 and 2022. This contributes to the 'fair' score for Salt Marsh Extent and 'poor' score for Seagrass.

Ms Littlewood noted that the Whangarae Estuary represents an important reference site in which comparison can be made to other estuaries in Marlborough. The limited human pressures and lack of development in the catchment makes Whangarae Estuary one of the most natural estuaries in Marlborough.

**Cirs Innes/Minehan:**  
**That the information be received.**

**Carried**

ATTENDANCE: Jono Underwood, Biosecurity Manager was present for the following two items and Liam Falconer Council's Senior Biosecurity Officer (Operations Lead) was present for the following item.

## **E&P-0324-324 Chilean Needle Grass Programme Update**

**E315-003-009-01**

Members noted that the purpose of the report was to update members on the larger strategic Biosecurity programmes that is aiming to contain the pest plant Chilean needle grass (*Nassella neesiana*) ('CNG'). To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2456992).

As part of the presentation Mr Falconer noted that work has been carried out by seven contract teams plus internal staff with 2948 hours of work undertaken. 272 properties have been visited with 10 new properties located, there are currently 220 active properties.

Members were advised that for large companies that have regular staff and manager changes has meant the consistent messaging around the spread risk within properties has been difficult. Mowers during the seeding season this year has also been of particular concern.

It was noted that contractors have been brought over from Nelson as contractor resource continues to be an issue with the limited resources in Marlborough being stretched as it is peak time for contractors.

Members were advised that there a number of longer-term contracts up for renewal and it is expected price increases will begin to have an impact on the amount of work that Council is able to deliver throughout the Marlborough region.

Mr Underwood noted that Council and members from the Marlborough community continue to advocate to Central Government that is it not just a regional issue.

**Cirs Sowman/Fauls:**  
**That the information be received.**

**Carried**

## **E&P-0324-325 Court Proceedings Update – Regional Pest Management**

**E315-002-008-05**

Mr Underwood noted that in April 2023, Council appealed the interim decision of the Environment Court to the High Court out of concern relating to a number of legal determinations which were made for which there has been no previous established case law. The High Court Judgement was received on 22 December 2023 with the judgement dismissing all of Council's concerns explained as alleged errors of law.



ATTENDANCE: Mr Jamie Sigmund, Council's Strategic Planner (Implementation & Review), was present for the following four items.

**E&P-0324-327      Variation 6 to the Proposed Marlborough  
Environment Plan – ‘Kerepi’      M100-11-17**

Mr Sigmund noted that the purpose of the report was to receive the Section 32 report for a variation to the PMEP to rezone 12 hectares of land from Rural Environment to Urban Residential 4 and to recommend adoption of the variation and seek approval to proceed with the variations to public notification, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA). An aerial of the proposed “Kerepi allotments was attached to the agenda for members’ information.

Members were advised that the provisions of the Urban Residential 4 Zone are contained in a separate variation, Variation 7 and this report should be read in conjunction with the report on Variation 7.

Mr Sigmund advised that pre-notification consultation has occurred with Iwi authorities, other statutory parties, and adjoining landowners. Formal engagement occurred with the Ministry of Housing and Development and Kainga Ora policy staff where positive comments regarding the variation intent were expressed with no objections received to progressing the variation, only support for the intent.

Three individual landowners engaged with the Collet Group Ltd process seeking additional information and a record of this is noted within the Section 32 report which was separately attached to the agenda for members’ information. There was no objection to the variation that arose from the Collet Group Ltd letter nor from adjoining landowners.

Members were advised that the next step is for the variation to proceed to public notification as required by the RMA.

**Cllrs Innes/Hope:  
That Council:**

- 1. Adopt the ‘Variation’ and the accompanying Section 32 report for the purposes of public notification.**
- 2. Approve the public notification of the variation, in conjunction with Variation 7, in accordance with Schedule 1, RMA as soon as practicable.**
- 3. Approve a 20-working day timeframe for making submissions.**

**Carried**

**E&P-0324-328      Variation 7 to the Proposed Marlborough  
Environment Plan – Urban Residential Four  
‘Greenfields’      M100-11-20**

Mr Sigmund noted that the purpose of the report was to receive the Section 32 report for a variation to the PMEP to introduce provisions to manage medium density residential development in greenfields situations. This includes policy provisions, a proposed rule framework, and proposed zoning. The report also recommends adoption of the variation and seeks approval to proceed with the variations to public notification, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Members were advised that the Urban Residential 4 Zone is proposed for the internal portion of the “Kerepi Site”. The proposed ‘Kerepi’ allotments and MDH layout were attached to the agenda for members’ information.

It was noted that pre-notification consultation has occurred as for Variation 6 and a Section 32 report has been prepared evaluating the effectiveness and efficiency of a proposal to rezone 12 hectares of land on Blenheim northern periphery zoned Rural Environment to facilitate the residential subdivision and development of the site.

Members were advised that the next step is for the variation to proceed to public notification as required by the RMA.

**Cirs Hope/Minehan:  
That Council:**

1. **Adopt the 'Variation' and the accompanying Section 32 report for the purposes of public notification.**
2. **Approve the public notification of the variation, in conjunction with Variation 6, in accordance with Schedule 1, RMA as soon as practicable.**
3. **Approve a 20-working day timeframe for making submissions.**

**Carried**

## **E&P-0324-329      National Policy Statement – Urban Development Indicator Monitoring 2022-2023      N100-001-06-01**

Mr Sigmund presented the 2022-2023 National Policy Statement Urban Development annual monitoring report to members. A copy of the report was available on Council's website for members' information.

It was noted that the National Policy Statement on Urban Development 2020 (NPS-UD) sets out objectives and policies for urban development under the Resource Management Act 1991 which councils must give effect to.

Members were advised that the Marlborough District Council is considered 'Tier 3' under the NPS-UD and therefore is not required to complete the full monitoring requirements of a Tier 1 or 2 council, instead are strongly encouraged to monitor development within our urban environments.

Mr Sigmund provided members with a demonstration of the [Urban Development Dashboard](#). It was noted that the purpose of the dashboard is to monitor urban development activity in Marlborough with a particular focus on Blenheim as the region's largest urban centre.

**Cirs Innes/Fauls:  
That the report and presentation be received.**

**Carried**

## **E&P-0324-330      Additional Multi-beam Coverage for Marlborough      E325-017-03**

Members noted that the purpose of the report was to inform and update the committee on the availability of new multi-beam echo sounding (MBES) data for the Marlborough region.

It was reported that Land Information New Zealand (LINZ) has recently made freely available to Council new MBES data, extending our data coverage within our regional coastal area. The data is now available on Council mapping systems for internal and external use.

Mr Sigmund provided members with a demonstration of the mapping system and is available [here](#) on Council's website.

Mr Sigmund advised that staff will continue to work alongside LINZ regarding potential future opportunities within the region, this includes future hydrographic surveys, risk assessment and additional modelling.

**Cirs Hope/Mr Harvey:  
That the information and presentation be received.**

**Carried**



ATTENDANCE: Cllr Croad withdrew from the meeting at 11.55 am at the commencement of this item.

## **E&P-0324-331 Appeals on PMEP Variation 1: Marine Farming**

**M100-11-002-07**

Members noted that the purpose of the report was to provide members with the progress with resolving appeals on PMEP Variation 1: Marine farming appeals.

It was reported that 32 notices of appeal on Variation 1 were lodged with the Environment Court. Formal mediation on Variation 1 appeals commence on 12 March 2024.

In the meantime, progress is being made to resolve appeals through informal mediation. Consent memoranda have been submitted to the Court to resolve, in full or in part, six appeals with respect to aquaculture management areas (AMA). Another two proposals to settle appeals on AMA are with the appellants and discussions continue with two further appellants.

**Cllrs Hope/Innes:**  
**That the report be received.**

**Carried**

## **E&P-0324-332 Appointment of Hearings Commissioners**

**R450-004-02**

Members noted that the purpose of the report was to present Graham Taylor for inclusion on the list of Hearings Commissioners. Summary CV for the proposed commissioner was attached to the item for members' information.

It was noted that Council is not bound to employ the services of a Commissioner once they are appointed.

**Cllrs Faulls/Sowman:**

- 1. That the report be received.**
- 2. That Graham Taylor be appointed to act as a Hearings Commissioner as and when required and that they be advised accordingly.**

**Carried**

## **E&P-0324-333 Climate Change Sub-Committee**

**D050-001-C04**

The minutes of the Climate Change Sub-Committee meeting held on 30 January 2024 were presented for ratification by the Committee.

**Cllrs Hope/S Arbuckle:**  
**That the minutes of the Climate Change Sub-Committee meeting held on 30 January 2024 be ratified.**

**Carried**

## **E&P-0324-334 Animal Control Sub-Committee**

**D050-001-A04**

The minutes of the Animal Control Sub-Committee meeting held on 1 February 2024 were presented for ratification by the Committee.

**Cllrs Faulls/Minehan:**  
**That the minutes of the Animal Control Sub-Committee meeting held on 1 February 2024 be ratified.**

**Carried**

## **E&P-0324-335 Information Package**

**Cllrs S Arbuckle/Faulis:**

**That the Regulatory Department Information Package dated 14 March 2024 be received and noted.**

**Carried**

The meeting closed at 12.06 pm.

Record No: 2462349

Appendix 1

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
<b>Volume 2</b>			
<b>Chapter 25 – Definitions</b>			
<p><b>Carbon sequestration forestry planting</b></p>	<p><i>means the planting and management of areas of shrubs and vegetation the purpose of which is only for carbon sequestration.</i></p>	<p>The NES-CF now includes a definition (and applies to) “<i>exotic continuous-cover forestry</i>”.</p> <p>(a) <i>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</i></p> <p>(i) <i>will not be harvested or replanted; or</i></p> <p>(ii) <i>is intended to be used for low-intensity harvesting or replanted; and</i></p> <p>(b) <i>includes all associated forestry infrastructure; but</i></p> <p>(c) <i>does not include—</i></p> <p>(i) <i>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i></p> <p>(ii) <i>forest species in urban areas; or</i></p> <p>(iii) <i>nurseries and seed orchards; or</i></p> <p>(iv) <i>trees grown for fruit or nuts; or</i></p> <p>(v) <i>long-term ecological restoration planting of indigenous forest species; or</i></p>	<p>The definitions of these activities are similar, in that they relate to plantings which are intended to generally not be harvested. The PMEP definition is focused on carbon sequestration, whereas the NES-CF refers to a broader commercial purpose, but because of the exclusions in the latter definition, there is unlikely to be much in the way of a practical difference between them in this regard. The key difference is that the PMEP definition is not limited to exotic plantings and would therefore capture native plantings undertaken for the purpose of carbon sequestration.</p> <p>The effect of the two definitions is that <i>exotic continuous-cover forestry</i> is considered to in effect, be captured in the definition of <i>carbon sequestration forestry planting</i>. However, the latter definition cannot simply be replaced in the PMEP with the former, because it would change the effect (i.e. it would no longer apply to indigenous carbon sequestration forestry).</p> <p>To align with the NES-CF, it is recommended that:</p> <ul style="list-style-type: none"> <li>the definition from the NES-CF is added to the PMEP;</li> <li>the definition of <i>carbon sequestration forestry planting</i> is amended to exclude anything which falls within the <i>exotic continuous-cover forestry</i> definition; and</li> <li>the rules which currently apply to <i>carbon sequestration forestry</i> are amended as set out further below in this table.</li> </ul> <p>Add new definition as follows:</p> <p><b><u><i>exotic continuous-cover forest or forestry</i></u></b></p> <p>(a) <b><u><i>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</i></u></b></p>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		<p>(vi) willows and poplars space planted for soil conservation purposes.</p>	<p><u>(ii) will not be harvested or replanted; or</u>  <u>(ii) is intended to be used for low-intensity harvesting or replanted; and</u>  <b>(b) includes all associated forestry infrastructure; but</b>  <b>(c) does not include—</b>  <u>(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</u>  <u>(ii) forest species in urban areas; or</u>  <u>(iv) nurseries and seed orchards; or</u>  <u>(iv) trees grown for fruit or nuts; or</u>  <u>(v) long-term ecological restoration planting of indigenous forest species; or</u>  <u>(vi) willows and poplars space planted for soil conservation purposes.</u></p> <p>Amend the definition of <b>Carbon sequestration forestry planting</b> as follows:  <i>means the planting and management of areas of shrubs and vegetation the purpose of which is only for carbon sequestration, but excludes exotic continuous-cover forest or forestry.</i></p>
<b>Vegetation clearance</b>	<p>means the destruction or the removal of indigenous and exotic plant vegetation, including by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include:</p> <p>(a) Plantation forestry harvesting that is managed under the NESPF, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting;</p>	<p>As the NES-CF now covers exotic continuous-cover forestry, the exemption in the vegetation clearance definition for harvesting managed under the NESPF should be broadened. A minor change is recommended to the reference to carbon sequestration, to remove “(non-permanent)”, as this aligns with all other reference to carbon sequestration forestry (including the definition), none of which include this.</p>	<p>Amend the definition of <b>Vegetation clearance</b> as follows:  <i>means the destruction or the removal of indigenous and exotic plant vegetation, including by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include:</i></p> <p>(a) <del>Plantation Commercial</del> forestry harvesting that is managed under the NES<del>PF</del><b>CF</b>, carbon sequestration <del>(non-permanent)</del> forestry harvesting and woodlot forestry harvesting;</p>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
<b>Chapter 2 – General Rules</b>			
Rule 2.7.1.	<p><b>2.7.1. Alteration, repair or maintenance of an existing structure, including any associated release of detritus, in, on or over the bed of a lake or river</b></p> <p>Note:</p> <p>Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.</p>	<p>The definition of river crossing has been updated to explicitly include fords. This does not affect the rule / note, just clarifies that the NES equally applies to fords.</p> <p>There is a need to update the note to refer to the amended NES.</p>	<p><b>2.7.1 - Alteration, repair or maintenance of an existing structure, including any associated release of detritus, in, on or over the bed of a lake or river.</b></p> <p>Note:</p> <p>Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for <del>Plantation</del> <b>Commercial</b> Forestry 2017.</p>
Rule 2.9.1.	<p><b>2.9.1. Alteration, repair or maintenance of an existing structure, including any associated temporary damming of water or release of detritus, in, on or over the bed of a lake or river</b></p>	<p>N/A – the rule sets out the conditions for 2.7.1, but the note in 2.7.1 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.</p>	
Rule 2.7.5.	<p><b>2.7.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</b></p> <p>Note:</p> <p>Rule 2.7.5 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.</p>	<p>There is a need to update the note to refer to the amended NES.</p>	<p><b>2.7.5 - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</b></p> <p>Note:</p> <p>Rule 2.7.5 does not apply to river crossings that are managed under the National Environmental Standards for <del>Plantation</del> <b>Commercial</b> Forestry 2017.</p>
Rule 2.9.5.	<p><b>2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</b></p> <p>Note:</p> <p>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</p> <p>2.9.5.1. With the exception of post and wire fences and any attached pipeline, the structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.5.2. The structure must not divert any groundwater.</p> <p>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</p> <p>2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance</p>	<p>There is a need to update the note to refer to the amended NES.</p> <p>However, there is currently a discrepancy between the note in 2.7.5 and that in 2.9.5, whereby the note in 2.7.5 says that the rule does not apply at all to river crossings managed under the NES, which would mean that none of the conditions in 2.9.5 would apply. The note in 2.9.5 however implies that some of the standards are intended to still apply. It is recommended that a Clause 16 amendment is made to remove the note from 2.9.5, given the note in 2.7.5 was added through a consent order and effectively renders the note in 2.9.5 void.</p>	<p><b>2.9.5. - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</b></p> <p>Note:</p> <p><del>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</del></p> <p>2.9.5.1. With the exception of post and wire fences and any attached pipeline, the structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.5.2. The structure must not divert any groundwater.</p> <p>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</p> <p>2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance</p>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>rules for the Zone in which the activity is taking place.</i>		<i>rules for the Zone in which the activity is taking place.</i>
<b>Rule 2.7.7.</b>	<b>2.7.7. Culvert installation and replacement in, on, under, or over the bed of a river.</b>  Note: <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.7.7 does not apply.</i>	There is a need to update the note to refer to the amended NES.	<b>2.7.7 - Culvert installation and replacement in, on, under, or over the bed of a river.</b>  Note: <i>Where the construction or placement of any new river crossing is managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017, Rule 2.7.7 does not apply.</i>
<b>Rule 2.9.7.</b>	<b>2.9.7. Culvert installation and replacement in, on, under, or over the bed of a river.</b>	N/A – the rule sets out the conditions for 2.7.7, but the note in 2.7.7 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.	
<b>Rule 2.16.3.</b>	<b>2.16.3 - Discharge of stormwater to water.</b>  Note 1: <i>Where the discharge of stormwater to water is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.16.3 does not apply.</i>	There is a need to update the note to refer to the amended NES.	<b>2.16.3 - Discharge of stormwater to water.</b>  Note 1: <i>Where the discharge of stormwater to water is managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017, Rule 2.16.3 does not apply.</i>
<b>Rule 2.17.3.</b>	<b>2.17.3. - Discharge of stormwater to water.</b>	N/A – the rule sets out the conditions for 2.16.3, but the note in 2.16.3 addresses the cross-over with the NES, so no changes are needed to the permitted activity conditions.	
<b>Chapter 3 – Rural Environment Zone</b>			
<b>3.1.1 Permitted Activities</b>	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3, except that for plantation forestry activity regulated by Parts 1 to 9 of the NES for Plantation Forestry, the standards in 3.2 do not apply.</i>	The note is still relevant, but there is a need to update it to refer to all commercial forestry activities, not just plantation forestry, and to refer to the amended NES.	<i>Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3, except that for <del>plantation commercial</del> forestry activity regulated by Parts 1 to 9 of the NES for <del>Plantation Commercial</del> Forestry, the standards in 3.2 do not apply.</i>
<b>Rule 3.1.6.</b>	<b>3.1.6. Plantation forestry afforestation</b>	These rules apply to plantation forestry managed under the NES-PF, with the conditions amended through the previous alignment exercise to ensure they are only more stringent than the NES in areas where that was, previously, restricted; or to	
<b>Rule 3.3.6.</b>	<b>3.3.6. Plantation forestry afforestation.</b> <b>3.3.6.1. Planting must not be in, or within:</b>		

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<p>(a) [Deleted]</p> <p>(b) [Deleted]</p> <p>(c) [Deleted]</p> <p>(d) [Deleted]</p> <p>(e) 10m of a Significant Wetland;</p> <p>(f) [Deleted]</p> <p>(g) an Afforestation Flow Sensitive Site;</p> <p>(h) [Deleted]</p> <p>(i) the Limestone Coastline Outstanding Natural Feature and Landscape;</p> <p>(j) the Wairau Dry Hills High Amenity Landscape.</p> <p>3.3.6.2. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.</p>	<p>manage matters beyond the scope of the NES.</p> <p>The changes to the NES-CF allow for the Council to consider any area in which the PMEP should be more stringent (or lenient) than the NES-CF regulations in regard to afforestation. However, this is a matter that must be considered through a plan change process, rather than being a matter of alignment resulting from the NES-CF.</p> <p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.1.6 or 3.3.6 are amended.</p> <p>See also the assessment of Rule 3.1.11 in relation to the status of exotic continuous-cover forestry in the Rural Zone.</p>	
Rule 3.1.7.	<b>3.1.7. Plantation forestry replanting.</b>	These rules apply to plantation forestry managed under the NES-PF, with the conditions being those that were allowed, under the original NES, to be more stringent.	
Rule 3.3.7.	<p><b>3.3.7. Plantation forestry replanting.</b></p> <p>3.3.7.1. Replanting must not be in, or within:</p> <p>(a) 8m of a Significant Wetland;</p> <p>(b) [deleted].</p> <p>3.3.7.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.</p>	<p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the</p>	

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		NES-CF. As such, it is not recommended that 3.1.7 or 3.3.7 are amended.	
<b>Rule 3.1.8.</b>	<b>3.1.8. Plantation forestry harvesting.</b>	These rules apply to plantation forestry managed under the NES-PF, with the conditions being those that were allowed, under the original NES, to be more stringent.  Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.1.8 or 3.3.8 are amended.	
<b>Rule 3.3.8.</b>	<b>3.3.8. Plantation forestry harvesting.</b> <i>3.3.8.1. Harvesting must not be in, or within</i> <i>(a) [Deleted]</i> <i>(b) 8m of a Significant Wetland.</i> <i>(c) [Deleted].</i>  <i>3.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.</i>  <i>3.3.8.3. Except within an existing forestry track or forestry road, wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland.</i>  <i>3.3.8.4. Harvesting must not cause any conspicuous change in the colour or natural clarity of the water in a Significant Wetland, or the coastal marine area.</i>		
<b>Rule 3.1.11.</b>	<b>3.1.11. Conservation planting and carbon sequestration forestry planting.</b>	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i> . However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i> .  Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry planting</i> under these rules may therefore continue to be more stringent than the NES-CF.	<b>3.1.11. Conservation planting, <u>exotic continuous-cover forestry planting</u> and carbon sequestration forestry planting.</b>
<b>Rule 3.3.11</b>	<b>3.3.11. Conservation planting and carbon sequestration forestry planting.</b> <i>3.3.11.1. The following species must not be planted:</i> <i>(a) Douglas fir (Pseudotsuga Menziesii);</i> <i>(b) Lodgepole pine (Pinus contorta);</i> <i>(c) Muricata pine (Pinus muricata);</i> <i>(d) European larch (Larix decidua);</i> <i>(e) Scots pine (Pinus sylvestris);</i> <i>(f) Mountain or dwarf pine (Pinus mugo);</i> <i>(g) Corsican pine (Pinus nigra).</i>  <i>3.3.11.2. That the planting of vegetation must not occur where that vegetation when fully grown, could shade a</i>		



Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<p>formed and sealed road between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading.</p> <p>3.3.11.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building other than a pump shed located on any adjacent land under different ownership.</p> <p>3.3.11.4. Only indigenous species may be planted within the Wairau Dry Hills High Amenity Landscape except for plantings within the curtilage around a dwelling.</p> <p>3.3.11.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.</p> <p>3.3.11.6 <u>In the case of carbon sequestration forestry planting must not be within an Afforestation Flow Sensitive Site.</u></p>	<p>It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF.</p> <p>As a result of the Clause 16 amendment being made to 3.3.11.6 (shown using black underline), there is also a need to similarly amend that standard so that it will also continue to apply to <i>exotic continuous-cover forestry afforestation</i>.</p>	
Rule 3.1.12.	<b>3.1.12. Indigenous vegetation clearance.</b>		
Rule 3.3.12	<p><b>3.3.12. Indigenous vegetation clearance.</b></p> <p><b>Note:</b></p> <p>Permitted Activity standards 3.3.12.1 and 3.3.12.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.</p>	There is a need to update the note to refer to the amended NES.	<p><b>3.3.12. Indigenous vegetation clearance.</b></p> <p><b>Note:</b></p> <p>Permitted Activity standards 3.3.12.1 and 3.3.12.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</p>
Rule 3.1.13.	<b>3.1.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	There is a need to update the reference to the amended NES.	<b>3.1.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 3.3.13.	<b>3.3.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<b>3.3.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 3.1.14.	<b>3.1.14. Cultivation</b>	There is a need to update the reference to the amended NES.	<p><b>3.1.14. Cultivation.</b></p> <p><u>Note:</u></p>

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

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<p><i>solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation forestry on any adjacent land under different ownership.</i></p>		
<b>Rule 3.4.3.</b>	<p><b>3.4.3. Harvesting of plantation forestry that was established prior to 9 June 2016, in, or within 8m of a Significant Wetland.</b></p>	<p>This rule applies to plantation forestry, applying an activity status that is more stringent than under the NES.</p> <p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry harvesting would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.4.3. is amended.</p>	
<b>Rule 3.5.1</b>	<p><b>3.5.1. Excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting activities but excluding excavation as part of Plantation Forestry Harvesting.</b></p>	<p>N/A – this rule does not apply to Plantation Forestry Harvesting.</p>	
<b>Rule 3.6.6.</b>	<p><b>3.6.6. Quarrying and mining.</b></p> <p>Note:</p> <p><i>Where forestry quarrying is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.6.6 does not apply.</i></p>	<p>There is a need to update the reference to the amended NES.</p>	<p><b>3.6.6. Quarrying and mining.</b></p> <p>Note:</p> <p><i>Where forestry quarrying is managed under the National Environmental Standards for <del>Plantation</del> Commercial Forestry 2017, Rule 3.6.6 does not apply.</i></p>
<b>Rule 3.7.1</b>	<p><b>3.7.1. Plantation forestry afforestation or woodlot forestry planting within the coastal environment on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established plantation or woodlot forestry.</b></p>	<p>This rule applies to plantation forestry, applying an activity status that is more stringent than under the NES.</p> <p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover</p>	

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		<p>forestry afforestation would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 3.7.1 is amended.</p>	
<p>Rule 3.7.2.</p>	<p><b>3.7.2 Carbon sequestration forestry harvesting on steep erosion prone land.</b></p>	<p>The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i>. However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i>.</p> <p>Regulation 6 of the NES-CF sets out when additional stringency may be applied by a Council beyond the NES-CF controls. While this allows for greater stringency or leniency with regard to afforestation, the same does not apply to harvesting. The other matter on which stringency can be exercised which is relevant to the matter addressed in the rules is Regulation 6(1)(b), which allows the PMEP to be more stringent than the NES-PF when provisions give effect to Policy 22 of the NZCPS. Where within the coastal environment (as identified on the planning maps), the rule is therefore able to be more stringent because it is giving effect to the direction to: require 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 3.7.2 be amended so that it continues to apply to</p>	<p><b>3.7.2 Carbon sequestration forestry harvesting on steep erosion prone land <u>or exotic continuous-cover forestry harvesting within the coastal environment on land identified as Steep Erosion-Prone Land.</u></b></p>

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

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
Rule 4.1.10.	<b>4.1.10 Indigenous vegetation clearance.</b>		
Rule 4.3.10.	<b>4.3.10. Indigenous vegetation clearance.</b>  Note:  <i>Permitted Activity standards 4.3.10.1, and 4.3.10.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.</i>	There is a need to update the note to refer to the amended NES.	<b>4.3.10. Indigenous vegetation clearance.</b>  Note:  <i>Permitted Activity standards 4.3.10.1, and 4.3.10.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</i>
Rule 4.1.11.	<b>4.1.11 Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	There is a need to update the reference to the amended NES.	<b>4.1.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 4.3.11.	<b>4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<b>4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 4.1.12.	<b>4.1.12. Cultivation.</b>	There is a need to update the reference to the amended NES.  However, because the only standard applying to cultivation managed under the NES (4.3.12.4.) has been deleted, the rule in totality effectively does not apply. For simplicity, and consistency with other rules, it would be simpler to note in 4.1.12 that the rule does not apply. Note this recommended change does not arise from the changes to the NES.	<b>4.1.12. Cultivation.</b>  <u>Note:</u>  <u>Where cultivation is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 4.1.12 does not apply.</u>
Rule 4.3.12.	<b>4.3.12. Cultivation.</b>  Note:  <i>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.12.1, 4.3.12.2, 4.3.12.3, 4.3.12.5 and 4.3.12.6 do not apply.</i>	For simplicity, and consistency with other rules, it would be simpler to note in 4.1.12 that the rule does not apply. Note this recommended change does not arise from the changes to the NES.	<b>Cultivation.</b>  <u>Note:</u>  <u><del>Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.12.1, 4.3.12.2, 4.3.12.3, 4.3.12.5 and 4.3.12.6 do not apply.</del></u>
Rule 4.1.13.	<b>4.1.13. Excavation.</b>		
Rule 4.3.13.	<b>4.3.13. Excavation.</b>  Note:  <i>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.3(a),</i>	There is a need to update the reference to the amended NES.	<b>4.3.13. Excavation</b>  Note:  <i>Where excavation is managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017 as earthworks, Standards 4.3.13.1,</i>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	4.3.13.8, 4.3.13.9 and 4.3.13.10 do not apply, and Standard 4.3.13.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.		4.3.13.2, 4.3.13.3(a), 4.3.13.8, 4.3.13.9 and 4.3.13.10 do not apply, and Standard 4.3.13.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.
<b>Rule 4.2.1.6.</b>	<p><b>4.2.1. Construction and siting of a building or structure except a temporary building or structure, unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).</b></p> <p>... 4.2.1.6. The following fire safety setbacks shall apply:</p> <p>(a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership, or</p> <p>(b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.</p>	As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this standard would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.	<p>3.2.1.7. The following fire safety setbacks shall apply:</p> <p>(a) A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing <del>plantation</del> <b>commercial</b> forestry or carbon sequestration forestry on any adjacent land under different ownership, or</p> <p>(b) An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing <del>plantation</del> <b>commercial</b> forestry or carbon sequestration forestry on any adjacent land under different ownership.</p>
<b>Rule 4.5.3.</b>	<p><b>4.5.3. Plantation forestry afforestation, or plantation forestry replanting that is not provided for as a Permitted Activity.</b></p> <p>Matters over which the Council has restricted its discretion:</p> <p>4.5.3.1. Effects on Significant Wetlands.</p> <p>4.5.3.1. Effects of sedimentation.</p> <p>4.5.3.1. The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.</p> <p>4.5.3.1. Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.</p>	<p>This rule applies to plantation forestry managed under the NES-PF, with the matters of discretion limited to those identified through the previous alignment exercise are matters on which stringency could be exercised.</p> <p>The changes to the NES-CF allow for the Council to consider any area in which the PMEP should be more stringent (or lenient) than the NES-CF regulations in regard to afforestation. However, this is a matter that must be considered through a plan change process, rather than being a matter of alignment resulting from the NES-CF.</p>	

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		<p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 4.5.3. is amended.</p>	
<b>Rule 4.5.4.</b>	<p><b>4.5.4. Plantation forestry harvesting</b></p> <p><i>Matters over which the Council has restricted its discretion:</i></p> <p>4.5.4.1. <i>Effects on Significant Wetlands.</i></p> <p>4.5.4.1. <i>Effects of sedimentation.</i></p> <p>4.5.4.1. <i>The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.</i></p> <p>4.5.4.1. <i>Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.</i></p>	<p>This rule applies to plantation forestry managed under the NES-PF, with the matters of discretion limited to those identified through the previous alignment exercise are matters on which stringency could be exercised.</p> <p>Under NES-CF, all provisions are extended to apply to 'commercial forestry', which by definition includes both plantation forestry, as well as exotic continuous-cover forestry. However as these are treated separately in the MEP, amending this rule to also cover exotic continuous-cover forestry would expand the activity to which it applies. This is considered to extend beyond simply aligning the PMEP with the NES-CF. As such, it is not recommended that 4.5.4 is amended.</p>	
<b>Rule 4.5.5</b>	<p><b>4.5.5. Excavation and filling to construct or upgrade forestry roads, forestry tracks or skid sites.</b></p> <p><i>Matters over which the Council has restricted its discretion:</i></p> <p>4.5.5.1. <i>Effects of sedimentation.</i></p> <p>4.5.5.2 <i>Reduction of sediment loadings in run-off.</i></p> <p>4.5.5.3 <i>The effects on the values of Outstanding Natural Features and Landscapes.</i></p> <p>4.5.5.4 <i>Effects on Significant Wetlands</i></p>	<p>This rule applies to specific aspects of forestry, with the matters of discretion limited to those on which stringency could be exercised under the original NES.</p> <p>It is not affected by the changes introduced to the NES-CF.</p>	



Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	4.5.5.5 <i>Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.</i>		
Rule 4.6.6.	<p><b>4.6.6. Quarrying and mining.</b></p> <p>Note:</p> <p>Where quarrying is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.6.6 does not apply.</p>	There is a need to update the reference to the amended NES.	<p><b>4.6.6. Quarrying and mining.</b></p> <p>Note:</p> <p>Where forestry quarrying is managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017 Rule 4.6.6 does not apply.</p>
Rule 4.7.1.	<p><b>4.7.1. Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration or woodlot forestry.</b></p>	<p>The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i>. However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i>.</p> <p>Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry</i> planting under these rules may therefore continue to be more stringent than the NES-CF.</p> <p>It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF.</p>	<p><b>4.7.1. Plantation forestry afforestation, <u>exotic continuous-cover forestry afforestation</u>, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, <u>exotic continuous-cover</u>, carbon sequestration or woodlot forestry.</b></p>
<b>Chapter 7 – Coastal Living Zone</b>			
Rule 7.1.9.	7.1.9. <i>Indigenous vegetation clearance.</i>		
Rule 7.3.7.	<p>7.3.7. <i>Indigenous vegetation clearance.</i></p> <p>Note:</p>	There is a need to update the note to refer to the amended NES.	<p><b>7.3.7. Indigenous vegetation clearance.</b></p> <p>Note:</p>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
	<i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards, 7.3.7.1, 7.3.7.2, 7.3.7.5 and 7.3.7.6 do not apply.</i>		<i>Where indigenous vegetation clearance is managed under the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017, Standards, 7.3.7.1, 7.3.7.2, 7.3.7.5 and 7.3.7.6 do not apply.</i>
Rule 7.1.10.	<b>7.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	There is a need to update the reference to the amended NES.	<b>7.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017.</b>
Rule 7.3.8.	<b>7.3.8. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<b>7.3.8. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017.</b>
Rule 7.1.11	<b>7.1.11. Excavation or filling.</b>		
Rule 7.3.9.	<b>7.3.9. Excavation or filling.</b>  <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.15 do not apply.</i>	There is a need to update the reference to the amended NES.	<b>7.3.9. Excavation or filling.</b>  <i>Note:</i> <i>Where excavation and filling are managed under the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.15 do not apply.</i>
Rule 7.5.1	<b>7.5.1. Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration or woodlot forestry.</b>	The NES-PF did not manage exotic continuous-cover forestry; but this is now included in the NES-CF. As discussed above, it is recommended that the definition of <i>carbon sequestration forestry planting</i> is amended so that it excludes anything which is captured in the definition of <i>exotic continuous-cover forestry</i> . However, as the latter is considered to fall within the former, there is a need to consider if the rule should continue to apply to <i>exotic continuous-cover forestry</i> .  Because of the changes to Regulation 6 of the NES-CF, additional stringency may be applied by a Council to afforestation (i.e. planting). The standards applying to <i>exotic continuous-cover forestry</i> planting under	<b>7.5.1. Plantation forestry afforestation, <del>exotic continuous-cover forestry</del> afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, <del>exotic continuous-cover, carbon sequestration or woodlot forestry.</del></b>

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
		<p>these rules may therefore continue to be more stringent than the NES-CF.</p> <p>It is therefore recommended that in combination with the changes to the definitions recommended above, that the rule is amended to refer to “<i>exotic continuous-cover forestry afforestation</i>” to align with the terminology and definitions in the NES-CF.</p>	
<b>Chapter 8 – Rural Living Zone</b>			
<b>Rule 8.1.12.</b>	<b>8.1.12. Excavation or filling</b>		
<b>Rule 8.3.11.</b>	<p><b>8.3.11. Excavation or filling</b></p> <p>Note:</p> <p>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.</p>	<p>There is a need to update the reference to the amended NES.</p>	<p><b>8.3.11. Excavation or filling</b></p> <p>Note:</p> <p>Where excavation or filling are managed under the National Environmental Standards for <del>Plantation</del> <b>Commercial</b> 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.</p>
<b>Rule 8.2.1.10</b>	<p><b>8.2.1. Construction and siting of a building or structure except a temporary building or structure, or unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).</b></p> <p>8.2.1.10 A habitable structure or an accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.</p>	<p>As a consequence of the definitions being amended, “<i>carbon sequestration forestry</i>” referred to in this standard would no longer include “<i>exotic continuous-cover forestry</i>”. However, because this standard already refers to commercial forestry, which does encompass the latter (rather than the narrower definition of plantation forestry), it would still apply and no change is needed.</p>	
<b>Chapter 19 – Open Space 3 Zone</b>			
<b>Rule 19.1.5</b>	<b>19.1.5. Indigenous vegetation clearance.</b>		
<b>Rule 19.3.3.</b>	<p><b>19.3.3. Indigenous vegetation clearance.</b></p> <p>Note:</p> <p>Where indigenous vegetation clearance is managed under the National Environmental Standards for</p>	<p>There is a need to update the note to refer to the amended NES.</p>	<p><b>19.3.3. Indigenous vegetation clearance.</b></p> <p>Note:</p> <p>Where indigenous vegetation clearance is managed under the National Environmental Standards for <del>Plantation</del> <b>Commercial</b> Forestry 2017, Standards</p>

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

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
Rule 20.3.3.	<p><b>20.3.3. Excavation or filling.</b></p> <p>Note:</p> <p>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, 20.3.3.8, 20.3.3.9 and 20.3.3.10 do not apply, and Standard 20.3.3.5 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha.</p>	There is a need to update the reference to the amended NES.	<p><b>20.3.3. Excavation or filling.</b></p> <p>Note:</p> <p>Where excavation and filling are managed under the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017 as earthworks, Standards 20.3.3.1, 20.3.3.2, 20.3.3.6, 20.3.3.7, 20.3.3.8, 20.3.3.9 and 20.3.3.10 do not apply, and Standard 20.3.3.5 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha.</p>
Rule 20.1.6.	<p><b>20.1.6. Planting of vegetation but excluding planting managed under the National Environmental Standards for Plantation Forestry 2017 as afforestation or replanting.</b></p>	There is a need to update the reference to the amended NES.	<p><b>20.1.6. Planting of vegetation but excluding planting managed under the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017 as afforestation or replanting.</b></p>
Rule 20.3.4.	<p><b>20.3.4. Planting of vegetation.</b></p>	There is a discrepancy between the title of Rule 20.1.6. and the conditions set out in Rule 20.3.4. It is recommended that these are aligned.	<p><b>20.3.4. Planting of vegetation <u>but excluding planting managed under the National Environmental Standards for Commercial Forestry 2017 as afforestation or replanting.</u></b></p>
Rule 20.1.7.	<p><b>20.1.7. Vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b></p>	There is a need to update the reference to the amended NES.	<p><b>20.1.7. Vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017.</b></p>
Rule 20.3.5.	<p><b>20.3.5. Vegetation Clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b></p>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<p><b>20.3.5. Vegetation Clearance excluding where managed by the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017.</b></p>
Rule 20.4.1.	<p><b>20.4.1. Excavation in excess of 1000m3 on any land with a slope greater than 20° within any 24 month period.</b></p> <p>Note:</p> <p>Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</p>	There is a need to update the reference to the amended NES.	<p><b>20.4.1. Excavation in excess of 1000m3 on any land with a slope greater than 20° within any 24 month period.</b></p> <p>Note:</p> <p>Where excavation is managed under the National Environmental Standards for <del>Plantation Commercial</del> Forestry 2017 as earthworks, Rule 20.4.1 does not apply.</p>
<b>Chapter 22 – Lake Grassmere Salt Works Zone</b>			

Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
Rule 22.1.7.	<b>22.1.7. Excavation excluding where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</b>	There is a need to update the reference to the amended NES.	<b>22.1.7. Excavation excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017 as earthworks.</b>
Rule 22.3.6.	<b>22.3.6. Excavation excluding where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.</b>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<b>22.3.6. Excavation excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017 as earthworks.</b>
Rule 22.1.9.	<b>22.1.9. Indigenous vegetation clearance.</b>		
Rule 22.3.8.	<b>22.3.8. Indigenous vegetation clearance.</b>  Note:  <i>Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 22.3.8.1, 22.3.8.2, 22.3.8.4, 22.3.8.5 and 22.3.8.6 do not apply.</i>	There is a need to update the note to refer to the amended NES.	<b>22.3.8. Indigenous vegetation clearance.</b>  Note:  <i>Where indigenous vegetation clearance is managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017, Standards 22.3.8.1, 22.3.8.2, 22.3.8.4, 22.3.8.5 and 22.3.8.6 do not apply.</i>
Rule 22.1.10	<b>22.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	There is a need to update the reference to the amended NES.	<b>22.1.10. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 22.3.9.	<b>22.3.9. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.</b>	As the rule does not apply to any clearance managed under the NES, there is no need to reconsider its conditions as they will not apply in any case to clearance managed under the NES. However the reference should be updated to refer to the amended NES.	<b>22.3.9. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017.</b>
Rule 22.4.2	<b>22.4.2. Excavation of land exceeding 500mm in depth and within 100m of the zone boundary.</b>  Note:  <i>Where earthworks are managed under the National Environmental Standards for Plantation Forestry 2017, Rule 22.4.2 does not apply.</i>	There is a need to update the reference to the amended NES.	<b>22.4.2. Excavation of land exceeding 500mm in depth and within 100m of the zone boundary.</b>  Note:  <i>Where earthworks are managed under the National Environmental Standards for <del>Plantation</del> <u>Commercial</u> Forestry 2017, Rule 22.4.2 does not apply.</i>
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Provision #	Provision	Effect of NES-CF Changes	Amendment Recommended
<b>Chapter 5 - Allocation of Freshwater Resources</b>			
<b>Policy 5.3.15</b>	<p><b>Policy 5.3.15 – Require land use consent for the planting of new plantation forestry and carbon sequestration forestry in flow sensitive areas.</b></p> <p><i>Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date.</i></p> <p><i>The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes run-off to smaller catchments. These factors make the water resource supplied by run-off from the land more vulnerable to changes in water yield.</i></p> <p><i>The policy does not apply to existing plantation forestry or carbon sequestration forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.</i></p>	<p>As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this policy (and related explanation) would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.</p>	<p><b>Policy 5.3.15 – Require land use consent for the planting of new <u>plantation commercial</u> forestry and carbon sequestration forestry in flow sensitive areas.</b></p> <p><i>Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date.</i></p> <p><i>The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes run-off to smaller catchments. These factors make the water resource supplied by run-off from the land more vulnerable to changes in water yield.</i></p> <p><i>The policy does not apply to existing <u>plantation commercial</u> forestry or carbon sequestration forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.</i></p>
<b>Policy 5.3.16</b>	<p><b>Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with existing plantation forestry and carbon sequestration forestry established after 9 June 2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%.</b></p> <p><i>The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on</i></p>	<p>As a consequence of the definitions being amended, “carbon sequestration forestry” referred to in this policy (and related explanation) would no longer include “exotic continuous-cover forestry”. To ensure it continues to apply, reference should be added to the latter. However, for ease, it is better to amend the reference to plantation forestry to refer to commercial forestry, which includes exotic continuous-cover forestry.</p>	<p><b>Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with existing <u>plantation commercial</u> forestry and carbon sequestration forestry established after 9 June 2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%.</b></p> <p><i>The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on</i></p>

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	<p><i>reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of environmental effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.</i></p> <p><i>The establishment of plantation forestry and carbon sequestration forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider plantation forestry and carbon sequestration forestry established after 9 June 2016.</i></p>		<p><i>reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of environmental effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.</i></p> <p><i>The establishment of <u>plantation commercial</u> forestry and carbon sequestration forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider <u>plantation commercial</u> forestry and carbon sequestration forestry established after 9 June 2016.</i></p>