

**Appendix 2:  
pLWRP Proposed Amendments**

**POLICIES**

**Soil Stability Policy 4.19**

**Notified:** Sedimentation of waterbodies as a result of land clearance, earthworks and cultivation is prevented by maintaining continuous vegetation cover adjacent to waterbodies, or capturing surface run-off to remove sediment and other contaminants.

**Requested:** Sedimentation of waterbodies as a result of land clearance, earthworks and cultivation is **minimised through the process of carrying out good practise erosion and sediment controls** ~~prevented by maintaining continuous vegetation cover adjacent to waterbodies, or capturing surface run-off to remove sediment and other contaminants.~~

**Officer's:** *Sedimentation of waterbodies as a result of land clearance, earthworks and cultivation is avoided or minimised ~~prevented~~ by the adoption of control methods and technologies, such as maintaining continuous vegetation cover adjacent to waterbodies, or capturing surface run-off to remove sediment and other contaminants or via methods such as direct drilling crops and cultivation that follows the contours of a paddock.*

**Discussion:** Support the Officers recommendation.

**Stormwater Discharge Rule 5.72 (now 5.72A)**

**Notified:** The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

6. For a discharge of stormwater to surface water:
  - (a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
  - (b) the concentration of total suspended solids in the discharge shall not exceed:
    - (i) 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
    - (ii) 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and
  - (c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.

**Requested:** The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water is a permitted activity provided the following conditions are met:

6. For a discharge of stormwater to surface water:
  - (a) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
  - (b) the concentration of total suspended solids in the discharge shall not exceed:
    - (i) 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
    - (ii) 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse;

**except that when background concentrations in the receiving water are higher than the standards specified, the activity or discharge shall not increase the concentration of suspended solids in the receiving water by more than 20%.**

**For the purpose of this condition, the point at which compliance is measured is after reasonable mixing has occurred which in any instance does not exceed 200 metres from the point of the discharge; and**

- (c) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.

**Officers:**

The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter a river, lake or artificial **watercourse** water is a permitted activity provided the following conditions are met:

2. The discharge is not into a community stormwater system, and

6-(d) For a discharge of stormwater to surface water:

- (a)(i) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5;
- (b)(ii) the concentration of total suspended solids in the discharge shall not exceed:
- (i) 50 g/m<sup>3</sup>, where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake; or
  - (ii) 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and
- (e)(iii) the discharge to water is not within a group or community drinking water supply protection area as set out in Schedule 1.

**Discussion:**

The notified rules have been split into discharges to land and to surface or groundwater. The other main change is to make it rule clear that if a stormwater discharge is going into a community system it does not need to comply with the other conditions within the rule. The Officers report states:

*Condition 6(b) – Rayonier NZ and Blakely Pacific Ltd have requested that this condition be altered to allow for situations where the background concentration of sediment within the receiving water maybe higher due to periods of heavy rainfall, as an example. The submitters state that 100 g/m<sup>3</sup> is appropriate for most land disturbance activities, but not during heavy rain.*

*Where land disturbance is occurring, erosion and sediment control measures appropriate to the site should be implemented to ensure that any discharge of stormwater from a site does not contain substantial suspended solids. With regard to the where total suspended solids should be measured it is appropriate that this occur at the point of discharge, as that is the easiest point of measurement.*

A complimentary outcome would be to reference Erosion and Sediment Control Plans as part of this rule, as follows:

*The discharge of stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter a river, lake or artificial watercourse water is a permitted activity provided the following conditions are met:*

*1. The discharge is into a community ~~or network utility operator~~<sup>198</sup> stormwater system or*

*2. The discharge results from plantation forestry activity, and*

- (a) The activity is undertaken in accordance with an Erosion and Sediment Control Plan and Harvest Plan which must be submitted to the Regional Council upon request.
- (b) For a discharge of stormwater to surface water the discharge does not, after reasonable mixing, breach the water clarity standards in Schedule 5 when flows in the receiving waters are below the median.

or

3. The discharge is not into a community stormwater system, and<sup>199</sup>

...

### **Flow Sensitive Catchments (Rule 5.110)**

**Notified:**

The planting of new areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a permitted activity, provided the forest planting meets the following conditions:

1. Existing areas of exotic tall vegetation, other than plantation forest, that is greater than 2 m tall and occupies more than 80% of the canopy cover and existed at 1 November 2010 may be planted in plantation forest; and
2. The total area of land planted in plantation forest, other than land planted pursuant to condition 1, does not exceed 15% of the total site area of a certificate of title that existed at 1 November 2010.

**Requested:**

*Immediate Changes*

- Amend the lists of flow sensitive catchments included in each sub-regional section to only include those nine catchments that are currently controlled in the NRRP (Schedule WQN15).
- Amend Rule 5.110 to either:
  - (a) Change the rule back to the a rule equivalent to WQN28 in the NRRP; or
  - (b) Adopt a permitted activity rule that allows up to 20% of a flow sensitive catchment to be planted on a first come first served basis.

*Longer term solution*

In addition to the above, Rayonier suggested that CRC further develop and refine the model included within the NRRP using a rational science based approach that takes into account the economic social and environmental implications of the decision to plant any flow sensitive catchment. The basis of this approach could be via the Canterbury Water Management Strategy Zone Committees and undertaken progressively with a proposed end date of 2017.

A suggested approach is to adopt the following model principles.

- (a) Overlay areas that are deemed suitable for planting in production forest within the identified flow sensitive catchments. This information is supplied as Appendix 1 to this submission which was tabled as further evidence at the PNRRP hearings.
- (b) Exclude areas within these catchments that are already in tall woody vegetation that are already contributing to reduction in total water yield.
- (c) Refine information to areas within these catchments that would realistically support planted production forestry based on suitability, availability and cost of land i.e. exclude areas already in dairy or land that would potentially be converted to higher producing land uses.
- (d) Further exclude areas that if planted in production forest would have little or no effects on MALF.
- (e) Once these areas have been defined then apply the model proposed by the JFS and Dr Tim Davie at the PNRRP hearings across the identified

parcels to determine any adverse effects on the MALF. Essentially a zoned mapping framework for production forest would be compiled

**Officers:**

The planting of new areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a controlled permitted activity, provided the forest planting meets the following conditions:

1. Existing areas of exotic tall vegetation, other than plantation forest, that is greater than 2 m tall and occupies more than 80% of the canopy cover and existed at 1 November 2010 may be planted in plantation forest; and
2. The total area of land planted in plantation forest, ~~other than land planted pursuant to condition 1,~~ does not exceed ~~20~~15% of the flow sensitive catchment or subcatchment listed in Section 6-15 total-site area of a certificate of title that existed at 1 November 2010.

The Canterbury Regional Council will retain control over the following matter:

1. The provision of information on the location, density and timing of planting.

**Discussion:**

The change in activity status is not justified, the matters for control does not involve any assessment, simply checking the provision of information. That should more appropriately be made a condition of a permitted activity. Dr Cowie considers that the below rule is best suited to smaller catchments less than 20ha in area:

*The planting of new areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a permitted activity, provided the forest planting meets the following conditions:*

1. *Existing areas of exotic tall vegetation, other than plantation forest, that is greater than 2 m tall and occupies more than 80% of the canopy cover and existed at 1 November 2010 may be planted in plantation forest; and*
2. *The total area of land planted in plantation forest, ~~other than land planted pursuant to condition 1,~~ does not exceed ~~20~~15% of the flow sensitive catchment or subcatchment listed in Section 6-15 total-site area of a certificate of title that existed at 1 November 2010; and*
3. *Information on the location, density and timing of planting is provided to Environment Canterbury for their records.*

For larger catchments Dr Cowie suggests a move toward the Rule that was contained in the NRRP (WQN28):

**The planting of new areas of plantation forest within any flow-sensitive catchment listed in Sections 6-15 is a controlled activity, provided the forest planting meets the following conditions:**

1. **Existing areas of exotic tall vegetation, other than plantation forest, that is greater than 2 m tall and occupies more than 80% of the canopy cover and existed at 1 November 2010 may be planted in plantation forest; and**
2. **The total area of land planted in plantation forest, other than land planted pursuant to condition 1, will not cumulatively cause more than a five percent reduction in the seven day mean annual low flow, and/or more than a 10 percent reduction in the mean flow.**
3. **Information on the location, density and timing of planting is provided to Environment Canterbury for their records.**

**Structures (Rule 5.115)**

**Notified:**

The installation, extension, use, maintenance or removal of bridges and culverts, including the erection or extension of the structure and the consequential deposition of substances on, in or under the bed of a lake or river, the excavation or other disturbance of the bed of a lake or river, and, in

the case of culverts, the associated take, discharge or diversion of water is a permitted activity, provided the following conditions are met:

...

7. For any temporary culvert:
  - (a) the maximum width of the river bed at the point of the crossing is 5 m;
  - (b) the culvert is installed at a level no higher than bed level, and no lower than 100 mm below the level of the bed of the river or lake;
  - (c) the culvert is not placed in a water body managed for flood control or drainage purposes, unless it is undertaken by or on behalf of the CRC; and
  - (d) the culvert is not in place for more than four weeks; and

**Requested:**

7. For any temporary culvert:
  - (d) ~~the culvert is not in place for more than four weeks~~ **shall be in place for the least practical time period not exceeding 3 months in duration;** and

**Officers:**

No change to 7(d).

**Discussion:**

The Officers report considers that any culvert in place for longer than 4 weeks should be subject to the same rules as permanent structures. Given the operational needs of the forestry industry and the ability to construct a temporary culvert in accordance with NZFOA Roding Standards a longer period would be appropriate.

*(d) the culvert is not in place for more than four weeks; or*

**(e) any culvert within a plantation forest shall be in place for the least practical time period not exceeding 3 months provided that the culvert is designed, constructed and used in accordance with an Erosion and Sediment Control Plan prepared in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007; and**

Note – new definitions of Erosion Sediment Control Plan (ESCP) and Harvest Plan to be inserted.

***Vegetation in Lake and Riverbeds (Rule 5.143)***

**Notified:**

The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a lake or river is a permitted activity, provided the following conditions are met:

1. The activity does not prevent access to lawfully established structures, including flood protection works, or to flood control vegetation;
2. No vegetation used for flood control or bank stabilisation is disturbed, removed, damaged or destroyed except by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes;
3. No woody vegetation is disposed of in, on, over or under the bed of a lake or river;
4. Introduction or planting of vegetation in, on, or under the bed of any lake or river is not of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy;
5. Introduction or planting of vegetation in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15 is only of indigenous plant species that naturally occur in the catchment;
6. The disturbance, removal, damage or destroying of any plant or vegetation in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15 is only of species non-indigenous species;

7. The activity does not occur in an inanga or salmon spawning site listed in Schedule 17; and
8. In a flood control rating district scheme area identified in Schedule 14, the introduction or planting of any plant, is by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.
- Requested:** 6. *The disturbance, removal, damage or destroying of any plant or vegetation in, on, or under the bed of any river or lake listed as a high naturalness lake or river in Sections 6-15 is only of:*
- a) *species non-indigenous species; or*
- b) **indigenous species that have grown up as the understorey of plantation forest that existed in the bed of a river or lake on or before August 2012, provided that this only occurs as part of harvesting a plantation forest and that a minimum 5m setback from the river or lake is provided on replanting.**
- Officers:** Only administrative change to remove the additional word 'species' used twice in the rule.
- Discussion:** Rayonier seeks the relief sought in the original submission above.

#### **Vegetation Clearance in Riparian Areas (Rule 5.147)**

- Notified:** The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a natural wetland boundary but within:
- a. 20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land or land zoned LH2 on the Planning Maps; or
- b. 10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;
- is a permitted activity provided the following conditions are met:
1. The area of bare ground resulting from vegetation clearance does not exceed 10% of the area within the relevant setback distance in any site at any time, except as a result of pest-plant spraying;
2. The vegetation clearance is not on land above 900 m above sea level;
3. The felling of trees, or any part of a tree, except where to ensure human safety it is not practicable to do so, is away from any lake, river or wetland and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland;
4. The vegetation clearance does not occur within 1m of a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;
5. The vegetation is not flood or erosion control vegetation; and
6. Vegetation clearance associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1 and 2.
- Requested:** 1. The area of bare ground resulting from vegetation clearance does not exceed 10% of the area within the relevant setback distance in any site at any time, except as a result of:
- a) pest-plant spraying; **or**
- b) **the harvesting of plantation forest, provided that a minimum 5m horizontal setback from the river or stream is maintained on replanting.**
- Officers:**
- a. 10 m 20-m<sup>457</sup> of the bed of a lake or river or a natural wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk zoned LH2<sup>458</sup> on the Planning Maps; or
- b. 5 m 10-m<sup>459</sup> of the bed of a lake or river or a natural wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps<sup>460</sup>

Note - definition of Vegetation Clearance has been amended to:

**Vegetation clearance** means removal of vegetation by physical, mechanical, chemical or other means ~~except burning by fire~~<sup>434</sup>; but excludes:

- (a) cultivation for the establishment of crops or pasture;
- (b) clearance for the establishment or maintenance of utilities or structures;
- (c) removal of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy;
- (d) clearance for the purposes of maintaining existing fence lines, vehicle tracks, firebreaks, drains, ponds, dams or crossings; or
- (e) domestic gardening and the maintenance of amenity planting.<sup>435</sup>

**Discussion:** The Officers report (page 406) states "It is noted that it was not the intention to require resource consent for "normal" farming or forestry activities, and the rules have been modified in the recommendations below to clarify this". Despite this statement the relief sought in the original submission has not been recommended.

It is noted that the exclusions provided in the amended definition of vegetation clearance do not include any forestry related activity.

Three options exist to advance this matter:

- a) advance relief sought in original submission above; or
- b) Seek that the exclusions listed in the definition of vegetation clearance include "clearance for the purpose of harvesting existing plantation forestry"; or
- c) Seek a new condition 7 along the lines of:

**Vegetation clearance undertaken within plantation forests carried out in accordance with an Erosion and Sediment Control Plan and Harvest Plan are not required to meet Conditions 1, 2 and 3.**

### **Earthworks in Riparian Areas (Rule 5.148)**

**Notified:** **The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:**

- a. **20 m of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land zoned LH2 on the Planning Maps; or**
- b. **10 m of the bed of a lake or river or a natural wetland boundary in land zoned LH1 on the Planning Maps;**

**is a permitted activity provided the following conditions are met:**

- 1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:
  - (a) an area of 500 m<sup>2</sup>, or 10% of the area, whichever is the lesser; or
  - (b) a volume of 10 m<sup>3</sup> on Hill and High Country land and land zoned LH2 on the Planning Maps;
- 2. Any discharge of sediment associated with the activity into the water in a river, lake, wetland or the Coastal Marine Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;
- 3. Any cultivation is across the contour of the land;
- 4. Any trenches excavated for infrastructure are back-filled and compacted within 10 days of being excavated;
- 5. The activity does not occur within a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;

6. Any earthworks or cultivation is not within 5 m of any flood control structure; and
7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1 or 2.

**Requested:** That Rule 5.148 be amended so that all earthworks undertaken within plantation forests are a permitted activity provided that they are carried out in accordance with a Harvest Plan and an Erosion and Sediment Control Plan that are prepared prior to operations being undertaken.

**Officers:** The use of land for earthworks or cultivation outside the bed of a river or lake or adjacent to a natural wetland boundary but within:

- a. ~~10m 20m~~<sup>464</sup> of the bed of a lake or river or a natural wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk zoned LH2<sup>465</sup> on the Planning Maps; or
- b. 5 m 10m<sup>466</sup> of the bed of a lake or river or a natural wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country land zoned LH1 on the Planning Maps;<sup>467</sup>

is a permitted activity provided the following conditions are met:

1. The extent of earthworks or cultivation within the relevant setback distances in any property does not at any time exceed:
  - (a) an area of 500 m<sup>2</sup>, or 10% of the area, whichever is the lesser; or
  - (b) a volume of 10 m<sup>3</sup> ~~on Hill and High Country land and land zoned LH2~~<sup>468</sup> shown as High Soil Erosion Risk on the Planning Maps;
2. Any discharge of sediment associated with the activity into the water in a river, lake, wetland or the Coastal Marine Area does not exceed 8 hours in any 24 hour period, and does not exceed 24 hours in total in any 6 month period;
3. Any cultivation is across the contour of the land;
4. ~~Any trenches excavated for infrastructure are back filled and compacted within 10 days of being excavated;~~<sup>469</sup>
5. The activity does not occur adjacent to within<sup>470</sup> a significant spawning reach for salmon or an inanga spawning area listed in Schedule 17;
6. Any earthworks or cultivation is not within 5 m of any flood control structure; and
7. Earthworks associated with recovery activities or the establishment, maintenance or repair of network utilities and fencing is not required to meet Conditions 1, ~~or 2~~ or 6.<sup>471</sup>

**Discussion:** The Officers report includes the following:

- An issue arising through many of the forestry submissions, including Rayonier, is to allow earthworks in plantation forestry to qualify as a permitted activity, subject to various controls such as a harvest, erosion and sediment control plan akin to that in the Horizons One Plan.<sup>456</sup>
- It is noted that it was not the intention to require resource consent for "normal" farming or forestry activities, and the rules have been modified in the recommendations below to clarify this.

Despite the point made in the second bullet point - the recommended rules will mean that various forestry activities will still require consent.

The original relief sought is still the most practicable way of overcoming this issue and appears to align with the Officers stated intentions. So suggested wording is a new condition 8:

**Earthworks undertaken within plantation forests carried out in accordance with an Erosion and Sediment Control Plan and Harvest Plan are not required to meet Conditions 1 and 2.**

This relief aligns with that sought in relation to Rule 5.147 above.



### **Vegetation Clearance and Earthworks in Erosion-prone Areas (Rule 5.150)**

**Notified:** Within Area LH2 of the Planning Maps and outside any riparian margin, the use of land for:

- (a) Cultivation or spraying of slopes less than 15°;
- (b) Cultivation or spraying on slopes greater than 15° provided the total area sprayed or cultivated is less than 200 m<sup>2</sup>;
- (c) Hand clearance and spot spraying of vegetation;
- (d) Silvicultural practices of release cutting, pruning or thinning to waste and harvesting by suspension systems;
- (e) Maintenance of existing firebreaks, roads and tracks and, during a fire emergency, construction of new firebreaks and tracks;
- (f) Construction of walking tracks no more than 1.5 m wide;
- (g) Maintenance of existing transport networks;
- (h) Earthworks and vegetation clearance associated with the establishment, repair or maintenance of pipelines, electricity lines, telecommunication lines and radio communication structures and fences; and
- (i) Other earthworks where:
  - (i) the volume is less than 10 m<sup>3</sup> per site or per hectare (whichever is the greater); and
  - (ii) the maximum depth of cut or fill is less than 0.5 m;

is a permitted activity provided the following conditions are met:

- 1. Any cleared areas are stabilised and where it is not put to its final use shall be revegetated within 6 months from the date of the commencement of the vegetation clearance or earthworks;
- 2. Any cultivation is across the contour of the land;
- 3. When firebreaks, roads, or tracks are constructed or maintained or exotic forest harvesting is carried out, culverts and stormwater controls are installed and maintained to lead water via a channel into an existing watercourse; and
- 4. the concentration of total suspended solids in the discharge shall not exceed:
  - (a) 50 g/m<sup>3</sup>, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or
  - (b) 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse.

**Requested:** Within Area LH2 of the Planning Maps, excluding land within and outside any riparian margin, the use of land for:

- ~~(a) Cultivation or spraying of slopes less than 15°;~~
- ~~(b) Cultivation or spraying on slopes greater than 15° provided the total area sprayed or cultivated is less than 200 m<sup>2</sup>;~~
- (b) Earthworks and vegetation clearance associated with plantation forestry (including harvesting), provided it is carried out in accordance with a Harvest Plan and an Erosion and Sediment Control Plan prepared prior to operations being undertaken;

is a permitted activity provided the following conditions are met:

- 1. Any cleared areas are stabilised and where it is not put to its final use shall be revegetated as soon as practicable and no later than within 6 18 months from the date of the commencement of the vegetation clearance or earthworks, unless the area is left to revegetate naturally;

**Officers:** Within the area shown as High Soil Erosion Risk on Area LH2 of<sup>480</sup> the Planning Maps and outside any riparian margin, the use of land for:

- a. Cultivation or spraying of slopes less than ~~15°~~ 25 degrees<sup>481</sup>;
- b. Cultivation or spraying on slopes greater than ~~15°~~ 25 degrees<sup>482</sup>, provided the total area sprayed or cultivated is less than 200 m<sup>2</sup>;
- c. Vegetation clearance of species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy;<sup>483</sup>
- d. Hand clearance and spot spraying of vegetation;

- e. ~~Silvicultural practices of release cutting, pruning or thinning to waste and harvesting in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 by suspension systems;~~<sup>484</sup>
- f. ~~Earthworks within a production forest undertaken in accordance with NZ Forest Road Engineering Manual (2012);~~<sup>485</sup>

is a permitted activity provided the following conditions are met:

- 3. ~~When firebreaks, roads, or tracks are constructed or maintained the maximum depth of cut or fill is 0.5 m; and or exotic forest harvesting is carried out, culverts and stormwater controls are installed and maintained to lead water via a channel into an existing watercourse~~<sup>487</sup>

**Discussion:**

The recommended officer changes meet most of the concerns raised in the original submission. However, the reference in (e) is to the Code of Practice and not the Erosion and Sediment Control Plan. The requirement that areas are replanted within 6 months is still retained. The following amendments are requested:

- e. *Silvicultural practices of release cutting, pruning or thinning to waste and harvesting in accordance with **an Erosion and Sediment Control Plan and Harvest Plan prepared in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 by suspension systems;***<sup>484</sup>

...

- 1. *Any cleared areas are stabilised and where it is not put to its final use shall be revegetated **as soon as practicable and no later than within 6 18 months from the date of the commencement of the vegetation clearance or earthworks, unless the area is left to revegetate naturally or converted to another land use;***

- 4. *the concentration of total suspended solids in the discharge shall not exceed:*
  - (a) *50 g/m<sup>3</sup>, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or*
  - (b) *100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse.*

**Unless the discharge results from plantation forestry activity, and**

- (a) **The activity is undertaken in accordance with an Erosion and Sediment Control Plan and Harvest Plan which must be submitted to the Regional Council upon request.**
- (b) **For a discharge of stormwater to surface water the discharge does not, after reasonable mixing, breach the water clarity standards in Schedule 5 when flows in the receiving waters are below the median.**

**Hazardous Substances (Rule 5.162)**

**Notified:**

The use of land for the storage in a portable container and use of a hazardous substance listed in Part A of Schedule 4 is a permitted activity provided the following conditions are met:

- 1. The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;
- 2. The container(s) are located in an area, or a structure, that will contain a leak or spill of the substance and will allow the spilled substance to be collected;
- 3. Equipment that is suitable to absorb any leak or spill of the substance (a "spill kit") is located with the container(s) at all times, along with instructions on how to use the spill kit;
- 4. The container(s) are not located within
  - (a) 20 m of a surface water body or a bore;

- (b) a group or community drinking water supply protection area as set out in Schedule 1; and
5. The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.

**Requested:** ~~1. The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed 2,000 litres;~~

**1. Storage and management of hazardous substances shall be in general accordance with HSNO regulations**

~~5. The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.~~

**Officers:** 1. The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed ~~2,000~~ 5,000<sup>518</sup> litres;

Note: That as a consequential amendment the following definition of portable container be added into Section 2.10 of the PLWRP:

***Portable container** means one or more containers of petrol, kerosene or diesel used for refuelling and the container(s) is fixed to a vehicle, towed by a vehicle or transported by helicopter, but does not comprise part of the inbuilt fuel system required to power a vehicle or machine.<sup>519</sup>*

**Discussion:** The change from 2000L to 5000L is supported. The relief sought in terms of the duration the container can be on site is still sought:

1. *The aggregate quantity of specified hazardous substances stored on a site in one or more portable containers does not exceed ~~2,000~~ 5,000<sup>518</sup> litres;*

**2. Storage and management of hazardous substances shall be in general accordance with HSNO regulations**

~~5. The container(s) do not remain on a site for more than 90 days in any consecutive 12 month period.~~

## DEFINITIONS

### **Culvert:**

Notified: None included

Requested: Channel or conduit carrying water across or under a road

Officers: Definition not required based on plain and ordinary meaning.

Discussion: There are various examples where definitions contained in Plans do nothing more than restate the plain and ordinary meaning of words. They are included for completeness and to provide certainty. I see no issue with including a definition of culvert given that they are specifically referred to in rules.

### **Disturbed Land:**

Notified: ***Disturbed land** means the disturbance of soil by any means, including blading, blasting, contouring, ripping, root-raking, moving, removing, excavating, and cutting. Soil disturbance excludes: disturbance as a result of vegetation disturbance activity, non-motorised soil disturbance activities, thrusting, boring or trenching or mole ploughing associated with cable or pipe laying, soil disturbance undertaken by a mine or quarry operation, cultivation and grazing, and foundation works for structures.*

Requested: Definition be deleted.

Officers: Recommend deletion.

Discussion: Support the Officers recommendation.

### **Ecosystem Services:**

Notified: **Ecosystem services** means the physical functioning of a fresh water body that enables ecosystems, including people and communities to exist, and includes such things as flow variability, floodways, ponding and peak flow buffering.

Requested: Definition that was not limited to freshwater bodies.

Officers: **Ecosystem services** means the physical functioning of a fresh water body that enables ecosystems, including people and communities to exist, and includes such things as flow variability, floodways, ponding and peak flow buffering and includes the goods and services provided by healthy ecosystems, including medicinal plants, clean water and air, and protection from extreme natural events.<sup>93</sup>

Discussion: The recommended changes do not address the fundamental issue raised in the submission. The first part of the definition recommended should be deleted so as to align with the IUCN definition as discussed in the Officers Report.

~~**Ecosystem services means the physical functioning of a fresh water body that enables ecosystems, including people and communities to exist, and includes such things as flow variability, floodways, ponding and peak flow buffering**~~ and includes the goods and services provided by healthy ecosystems, including medicinal plants, clean water and air, and protection from extreme natural events.

### **Erosions and Sediment Control Plan:**

Notified: None included.

Requested: Means an operational plan for forestry activities prepared to manage the effects of erosion and sediment generation when undertaking earthworks and compiled with regard to industry good practice and recognised guidelines.

Officers: Not considered

Discussion: The following definition is requested, similar to that adopted in the Horizons One Plan:

**Erosion and Sediment Control Plan** means a plan prepared in accordance with the "Environmental Code of Practice for Plantation Forestry (2007)" and having regard to the "New Zealand Forest Road Engineering Manual (2012)", the "New Zealand Road Engineering Manual – Operators Guide (2012)" and the "Erosion and Sediment Control Guideline 2007" prepared by Environment Canterbury:

In all cases the Erosion and Sediment Control Plan shall include, but not be limited to:

- (i) The description of the nature, scale, timing and duration of activities including construction, roading, the formation of any new track, earthworks, stabilisation and harvesting.
- (ii) The erosion and sediment control measures to be employed and indicative locations.
- (iii) Water run off controls.
- (iv) Methods to avoid the slumping of batters, cuts and side castings.
- (v) Measures to maintain slope stability.
- (vi) Methods of sediment retention and control of sediment run off.
- (vii) Methods to avoid effects on riparian margins and water bodies.
- (viii) Re-vegetation requirements.
- (ix) Detail heavy rainfall response and contingency measures.
- (x) Identify maintenance and monitoring procedures.
- (xi) Identify procedures for review and amendment to the Erosion and Sediment Control Plan, and
- (xii) Relevant Harvest Plans (including maps and associated text).

**Harvest Plan:**

- Notified: None included
- Requested: Means an operational plan for forestry activities prepared to manage harvesting activities and compiled with regard to industry good practice and recognised guidelines.
- Officers: Not considered.
- Discussion: The following definition is requested, similar to that adopted in the Horizons One Plan:

**Harvest Plan** means a plantation forest Harvest Plan prepared in accordance with the "Environmental Code of Practice for Plantation Forestry (2007)" and having regard to the "New Zealand Forest Road Engineering Manual (2012)", the "New Zealand Road Engineering Manual – Operators Guide (2012)" and the "Erosion and Sediment Control Guideline 2007" prepared by Environment Canterbury. Any Harvest Plan must include a Harvest Plan Map and associated text. The Harvest Plan Map must be produced at between 1:5,000 up to 1:10,000 scale and must include, but not be limited to, the following:

- (i) Title, date and north arrow.
- (ii) The harvest area boundary.
- (iii) Any property boundaries in the vicinity of the harvest area.
- (iv) Contours.
- (v) Location of all proposed and existing roads, tracks, landings, firebreaks, stream crossings and associated culverts.
- (vi) Harvesting methodology (hauler or ground-base) and proposed extraction directions.
- (vii) Location of any water bodies, perennial streams and the bed of any lake.
- (viii) Location of any wetland identified in Schedules 9 and 10.
- (ix) Location of any known historic heritage or waahi tapu sites, outstanding natural features and landscapes, areas of significant indigenous vegetation and habitats of significant indigenous fauna identified in any district or regional plan.
- (x) Location of slash management and disposal areas for hauler landings.
- (xi) Location of end haul disposal areas, and
- (xii) Any other area relevant to managing the harvest area.

**Hill and High Country:**

- Notified: "means all land above 600 m altitude or greater than 20° degrees in slope".
- Requested: The original submission sought amendment to the definition to achieve a consistent linkage to the map volumes and in particular the Soil Erosion Risk Mapping, being 'Hill Country' slopes >20 degrees and High Country Slopes > 25 degrees (or as amended by map changes).
- Officers: The Officers stated that the submission by Rayonier was not entirely clear and may wish to be further detailed at the hearing. Further they noted that hill and high country is not included in the map volumes and is addressed consistently by way of definition. A change to fix the typographical error was recommended.
- Discussion: The Officers have recommended changes to the slope angles used for the Soil Erosion Risk Mapping. It is considered that it would avoid any potential ambiguity and confusion if the definitions of these terms aligned with those changes introduced by the section 42A report (or any further amendments made).

**Non-point Discharge:**

- Notified: "Non-point discharge means run-off or leachate from land onto or into land, a water body or the sea".

Requested: Contamination sources which are diffuse and do not have a single point of origin or are not introduced into the receiving environment from a specific outlet.

Officers: *Non point source<sup>106</sup> discharge means run off or leachate from land onto or into land, a water body or the sea.*

Discussion: Support the Officers recommendation.

**Plantation Forest:**

Notified: *"**Plantation forest** includes all areas of trees grown for harvest or as a carbon sink forest with a density of 150 or more stems per hectare."*

Requested: *"A forest of selected species of trees that are specifically planted and managed for a carbon sink or planted and managed specifically for harvesting and production of timber or other wood based products, and includes under-storey that has established beneath the canopy and areas that are demonstrated to be failed plantings from the previous rotations."*

Officers: Support the Officers recommendation.

**Reasonable Mixing Zone:**

Notified: Included reference to Schedule 8.

Requested: Reference is to schedule 8 – actual reference is schedule 5

Officers: Reasonable mixing means the mixing that occurs in a mixing zone as defined in Schedule 5 of this plan".

Discussion: Support the Officers recommendation.