

**Amendment 2  
(NES Plantation Forestry)**

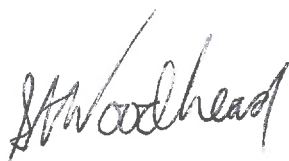
**Regional Plan:  
Water for Otago**

**Regional Plan: Water for Otago incorporating  
Amendment 2 (NES Plantation Forestry)**

This is a true and correct copy of Amendment 2 (NES Plantation Forestry) to the Regional Plan: Water for Otago which was approved by the resolution of the Otago Regional Council on Wednesday, 27 June 2018.

This copy of Amendment 2 (NES Plantation Forestry) to the Regional Plan: Water for Otago is deemed to be operative on Sunday, 1 July 2018.

The Common Seal of the Otago Regional Council was hereto affixed pursuant to the resolution of the Council passed on Wednesday, 27 June 2018 in the presence of:



**Stephen Woodhead**  
Chairperson



**Sarah Gardner**  
Chief Executive

## Chronicle of Key Events

<b>Key event</b>	<b>Date notified</b>	<b>Date decisions released</b>	<b>Date operative</b>
Regional Plan: Water	28 February 1998	7 July 2000	1 January 2004
Variation No. 1 to the Regional Plan: Water	3 October 1998	7 July 2000	1 January 2004
Waitaki Catchment Water Allocation Regional Plan	19 February 2005	30 September 2005	3 July 2006
Plan Change 1A to the Regional Plan: Water	17 August 2005	1 April 2006	1 August 2006
Plan Change 1B (Minimum Flows) to the Regional Plan: Water	20 December 2008	31 October 2009	1 March 2010
Plan Change 3A (Minimum Flow for Taieri River at Tiroiti) to the Regional Plan: Water	26 June 2010	8 December 2010	1 May 2011
Amendment 1 (NPS Freshwater Management) to the Regional Plan: Water	24 June 2011	24 June 2011	1 July 2011
Plan Change 1C (Water Allocation and Use) to the Regional Plan: Water	20 December 2008	10 April 2010	1 March 2012
Plan Change 4A (Groundwater and North Otago Volcanic Aquifer) to the Regional Plan: Water	18 September 2010	24 September 2011	1 March 2012
Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water	2 July 2011	12 May 2012	1 October 2013
Plan Change 6A (Water Quality) to the Regional Plan: Water	31 March 2012	20 April 2013	1 May 2014
Plan Change 3B (Pomahaka catchment minimum flow) to the Regional Plan: Water	16 August 2014	14 February 2015	1 June 2015
Plan Change 4B (Groundwater allocation) to the Regional Plan: Water	17 May 2014	13 December 2014	1 September 2015
Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) to the Regional Plan: Water	16 August 2014	13 December 2014	1 September 2015
Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water	13 December 2014	8 August 2015	1 March 2016
<u>Amendment 2 (NES Plantation Forestry) to the Regional Plan: Water</u>	<u>30 June 2018</u>	<u>30 June 2018</u>	<u>1 July 2018</u>

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## Introduction to Amendment

The Resource Management National Environmental Standards for Plantation Forestry 2017 (NES-PF) were made on 31 July 2017 and take effect from 1 May 2018.

The purpose of Amendment 2 (NES Plantation Forestry) is to remove any conflict and duplication between rules in the Regional Plan: Water for Otago and the NES-PF.

Section 44A of the Resource Management Act (1991) requires councils to amend plans to remove duplication or conflict with national environmental standards:

- as soon as practicable after the standards come into effect;
- without using the Schedule 1 process; and
- in accordance with the national environmental standards.

Regulation 6 of the NES-PF provides that a rule in a regional or district plan can be more stringent than the regulations if the rule gives effect to a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management.<sup>1</sup>

The Council has applied stringency to rules in the Regional Plan: Water for Otago (Water Plan) that apply to plantation forestry and give effect to Objective A1(a) of the National Policy Statement for Freshwater Management:

*To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.*

The Water Plan objectives, policies and rules that relate to plantation forestry activities were reviewed and refined by Plan Change 6A (Water Quality), which was developed under the National Policy Statement for Freshwater Management 2011.<sup>2</sup> The rules in sections 12.C and 13.5 of the Water Plan, which apply to discharges and bed disturbance from forestry activities, were introduced and/or reviewed as part of this plan change. These rules control discharges of sediment to protect ecosystem health.

They are applied to achieve Objective 7.A.2 in the Water Plan: *To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kai Tahu values.*

In accordance with Policy 7.B.2: *Avoid objectionable discharges of water or contaminants to maintain the natural and human use values of, including Kai Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.*

The relevant values that Objective 7.A.2 and Policy 7.B.2 support/maintain are in section 5.2.1 of the Water Plan and include:

- (c) Indigenous vegetation, habitats of indigenous fauna, and habitats of trout and salmon; and
- (d) Ecosystem values.

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<sup>1</sup> NES Plantation Forestry, Regulation 6(1)(a).

<sup>2</sup> Plan Change 6A was notified on 31 March 2012 and became operative on 1 May 2014.

The primary reason for applying stricter Water Plan rules is to protect indigenous non-migratory fish (i.e. galaxiid species). These species are classified as threatened and are particularly vulnerable to habitat disturbance and sedimentation. The NES-PF provisions relating to bed disturbance focus on the protection of habitats during spawning season. However, sedimentation of small streams where galaxiid species reside has lasting effects, so it even if it occurs outside of spawning seasons, it has negative effects on spawning the following season.

On 27 June 2018 Council resolved to make Amendment 2, with effect from 1 July 2018. This decision was publicly notified on 30 June 2018.

The following sections detail the operative provisions of Amendment 2 in order of chapters in the Water Plan. An updated version of the operative Water Plan, incorporating this amendment, is also available.

# 1

# Introduction



## 1.4 Process of Plan preparation

..... Plan Change 3C was made operative on 1 March 2016.

Amendment 2 was made to clarify where more stringent rules in this plan apply to forestry activities instead of the Resource Management National Environmental Standards for Plantation Forestry Regulations 2017, which came into effect on 1 May 2018. The amendment was made operative on 1 July 2018.



# 11

## Introduction to the Rules



### 11.2.4 Index to the rules

Table 2 provides a guide to find the relevant rules for any particular activity.

**Table 2: Index to Regional Plan: Water rules**

<b>If the activity involves any of the following</b>	<b>See the following rules of the Plan</b>	
<b><i>Water use and management</i></b>		
Applications to take water	<b>12.0</b>	Applications to take surface water and groundwater
The taking of:		
• Surface water	<b>12.1</b>	The taking and use of surface water
• Groundwater	<b>12.2</b>	The taking and use of groundwater
• The damming or diversion of water	<b>12.3</b>	The damming or diversion of water
<b><i>The discharge of water or contaminants, in terms of:</i></b>		
• Human Sewage	<b>12.A</b>	Discharge of human sewage
• Hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams	<b>12.B</b>	Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams
• Other discharges	<b>12.C</b>	Other discharges
A wetland identified in Schedule 9 or any wetland above 800 metres in altitude	<b>12.1–12.3</b> <b>12.A–12.C</b>	Activities affecting water
<b><i>Land use on lake or river beds or Regionally Significant Wetlands</i></b>		
Structures	<b>13.1</b> <b>13.2</b> <b>13.3</b>  <b>13.4</b>	The use of a structure The erection or placement of a structure The repair, maintenance, extension, alteration, replacement or reconstruction of a structure Demolition or removal of a structure
Disturbance	<b>13.5</b>	Alteration of the bed of a lake or river, or of a Regionally Significant Wetland
Reclamation		
Deposition of substances		
<b><i>Vegetation:</i></b>		
• Introduction of vegetation to the bed of a lake or river, or of a Regionally Significant Wetland	<b>13.6</b>	The introduction or planting of vegetation
• Removal of vegetation from the bed of a lake or river, or of a Regionally Significant Wetland	<b>13.7</b>	The removal of vegetation
<b><i>Land use other than in lake or river beds</i></b>		
The construction of a bore	<b>14.1</b>	Bore construction
Drilling	<b>14.2</b>	Drilling
Defences against water	<b>14.3</b>	The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water
Structures other than defences against water	<b>14.4</b>	Structures other than defences against water
<b><i>Plantation forestry</i></b>		
<a href="#"><u>Discharges to water or to land in circumstances that may end up in water</u></a>	<a href="#"><u>12.C</u></a>	<a href="#"><u>Other Discharges</u></a>
<a href="#"><u>Disturbance of a river bed</u></a>	<a href="#"><u>13.5</u></a>	<a href="#"><u>Alteration of the bed of a lake or river, or of a Regionally Significant Wetland</u></a>
<a href="#"><u>Rules that apply to plantation forestry</u></a>	<a href="#"><u>Schedule 17</u></a>	<a href="#"><u>Schedule of rules that apply to plantation forestry in Otago</u></a>

# Rules: Water Take, Use and Management



**12.A Discharge of human sewage** *[unchanged]*

**12.B Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams** *[unchanged]*

**12.C Other discharges**

**12.C.A General Rules for section 12.C** *[unchanged]*

**Note:** Rules applying to plantation forestry:

- Refer to the Resource Management National Environmental Standards for Plantation Forestry Regulations 2017:  
<http://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html>
- Refer to *Schedule 17: Rules applying to plantation forestry in Otago.*
- Rules that apply: 12.C.1.1 (d) (e) (f), excluding (iii); 12.C.2.1; 12.C.2.2; 12.C.2.4; 12.C.3.2.

**12.C.0 Prohibited activities: No resource consent will be granted** *[unchanged]*

**12.C.1 Permitted activities: No resource consent required** *[unchanged]*

**12.C.2 Restricted discretionary activities: Resource consent required** *[unchanged]*

**12.C.3 Discretionary activities: Resource consent required** *[unchanged]*

# Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands



## **13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland**

### **13.5.A General rules for section 13.5 *[unchanged]***

**Note:** Rules applying to plantation forestry:

- Refer to the Resource Management National Environmental Standards for Plantation Forestry Regulations 2017:  
<http://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html>
- Refer to *Schedule 17: Rules applying to plantation forestry in Otago.*
- Rules that apply: 13.5.1.1 (g) for river crossings;  
13.5.3.1 for any bed disturbance outside spawning seasons as defined in the Fish Spawning Indicator.\*

\* This is an online mapping tool developed by the Ministry for Primary Industries, which can be found on its website: <https://www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/>

#### **13.5.1 Permitted activities: No resource consent required *[unchanged]***

#### **13.5.2 Restricted discretionary activities: Resource consent required *[unchanged]***

#### **13.5.3 Discretionary activities: Resource consent required *[unchanged]***

# Schedules



## **17 Schedule of rules applying to plantation forestry in Otago**

The Resource Management National Environmental Standards for Plantation Forestry Regulations 2017 (NES-PF) came into effect on 1 May 2018. The regulation set out rules for core plantation forestry activities and apply to any forest larger than one hectare, planted specifically for commercial activities and harvest. In general, the standards prevail over rules in regional and district plans, however, in some cases stricter rules in this plan may apply.

The standards are online here:

<http://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html><sup>3</sup>

In this plan, stricter rules apply that give effect to Objective A1 of the National Policy Statement for Freshwater Management: *To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.*

Stricter Water Plan rules are applied:

- in accordance with Regulation 6 of the NES-PF;
- to achieve Objective 7.A.2 in the Water Plan, in accordance with Policy 7.B.2 in the Water Plan; and
- in particular, to protect indigenous non-migratory fish such as galaxiid species, which are classified as threatened and are particularly vulnerable to habitat disturbance and sedimentation.

For this reason, some rules in sections 12.C and 13.5 of this plan prevail over the NES-PF in accordance with Section 43A(1) of the RMA.

A summary of the rules that apply to plantation forestry in Otago is in Table 17.1 below.

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<sup>3</sup> Link to *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*, accessed 29 March 2018.



**Table 17.1 Rules for Plantation Forestry in Otago**

<b><u>National Environmental Standards for Plantation Forestry (Part 2)</u></b>	<b><u>Regional Plan: Water for Otago</u></b>
<b><u>Subpart 1 – Afforestation</u></b> <u>All regulations apply</u>	<u>Not applicable.</u>
<b><u>Subpart 8 – Replanting</u></b> <u>All regulations apply</u>	
<b><u>Subpart 2 – Pruning and thinning to waste</u></b> <u>All regulations apply</u>	<b><u>Chapter 12: Rules Water Take, Use &amp; Management</u></b>
<b><u>Subpart 3 – Earthworks</u></b> <u>All regulations apply, except 26 replaced (see opposite and 13.5 rules below in relation to ephemeral rivers)</u>	<b><u>12.C Other discharges</u></b>  <b><u>12.C.1 Permitted activities: No resource consent required</u></b>  <b><u>12.C.1.1 (d) (e) (f), excluding (iii)</u></b>
<b><u>Subpart 5 – Forest quarrying</u></b> <u>All regulations apply, except 56 (1) replaced (see opposite)</u>	<b><u>12.C.2 Restricted discretionary activities: Resource consent required</u></b>
<b><u>Subpart 6 – Harvesting</u></b> <u>All regulations apply, except 65 replaced (see opposite).</u>	<b><u>12.C.2.1</u></b>  <b><u>12.C.2.2</u></b>
<b><u>Subpart 7 – Mechanical land preparation</u></b> <u>All regulations apply, except 74 (6) replaced (see opposite)</u>	<b><u>12.C.2.4</u></b>  <b><u>12.C.3 Discretionary activities: Resource consent required</u></b>
<b><u>Subpart 9 – Ancillary activities</u></b> <u>All regulations apply, except 90 replaced (see opposite)</u>	<b><u>12.C.3.2</u></b>

Table continues next page.

**Table 17.1 Rules for Plantation Forestry in Otago, cont'd.**

<b><u>National Environmental Standards for Plantation Forestry (Part 2)</u></b>	<b><u>Regional Plan: Water for Otago</u></b>
<p><b><u>Subpart 3 – Earthworks</u></b></p> <p><u>All regulations apply (except 26 replaced, see above). In addition to 28(2), 13.5.3.1 rule opposite also applies for ephemeral flow paths</u></p>	<p><b><u>Chapter 13: Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands</u></b></p> <p><b><u>13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland</u></b></p> <p><b><u>13.5.1 Permitted activities:</u></b> <b><u>No resource consent required.</u></b></p> <p><b><u>13.5.1.1 (g)</u></b></p> <p><b><u>13.5.3 Discretionary activities:</u></b> <b><u>Resource consent required</u></b></p> <p><b><u>13.5.3.1</u></b></p>
<p><b><u>Subpart 4 – River Crossings</u></b></p> <p><u>All regulations apply. In addition to 44, 13.5.1.1(g) rule opposite applies, if this rule cannot be met then 13.5.3.1 applies.</u></p>	
<p><b><u>Subpart 6 – Harvesting</u></b></p> <p><u>All regulations apply. In addition to 68(3), rule 13.5.3.1 opposite applies if logs are to be dragged through streams less than 3 metres wide.</u></p>	
<p><b><u>Subpart 9 – Ancillary activities</u></b></p> <p><u>All regulations apply. In addition to 89, 13.5.1.1(g) rule opposite applies, if this rule cannot be met then 13.5.3.1 applies.</u></p>	
<p><b><u>Subpart 10 – General provisions</u></b></p> <p><u>All regulations apply. In addition to 97, rule 13.5.3.1 opposite also applies to any bed disturbance outside fish spawning seasons as defined by the Fish Spawning Indicator.<sup>4</sup></u></p>	

<sup>4</sup> This is an online mapping tool developed by the Ministry for Primary Industries, which can be found on its website: <https://www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/>

**Remaining consequential and minor changes**

<b>Operative Plan Provision</b>	<b>Operative Plan Page number</b>	<b>Detail of consequential or minor change</b>
Page numbers	All pages	<i>Update page number</i>
Table of Contents	Pages vi–xi	<i>Update table of contents</i>
Table of Contents for Schedules	Page 20-3	<i>Update table of contents for Schedules 1-<u>17</u></i>