



# Southland Rules for Forestry

A comparison of the proposed Southland Water and Land Plan and the National Environmental Standards for Plantation Forestry





This information booklet shows the interaction between the National Environmental Standards for Plantation Forestry regulations and the rules in the proposed Southland Water and Land Programme. It is designed to help you determine which rules apply to your forestry activities.

**T**he NES prevails over regional plan rules except where the NES specifically allows more stringent plan rules.

Regulation 6 of the NES provides that a rule in a plan may be more stringent than the NES if the requirements of Regulation 6 are met. Of particular relevance to this analysis is Regulation 6(1)(a):

A rule in a plan may be more stringent than these regulations if the rule gives effect to—

(a) an objective developed to give effect to the National Policy Statement for Freshwater Management...

We have analysed whether the rules in the proposed Southland Water and Land Plan (pSWLP) are more stringent than the NES as follows:

1. Does the rule in the pSWLP apply to Plantation Forestry activities?
  - a. The NES only applies to "Plantation Forestry Activities", which are specified in Regulation 5 and defined in Regulation 3 of the NES. These Plantation Forestry Activities are regulated under subparts 1 to 9 of Part 2 of the NES.
  - b. We have assessed whether the rules in the pSWLP are more stringent than the rules in the

NES in the same order as the Plantation Forestry Activities regulated by the NES, below. We have included the activity along with the definition in the NES, before turning to the assessment.

2. Is the rule in the pSWLP more stringent than the provisions of the NES?
  - a. We consider that a rule in the pSWLP is more stringent than the NES where a rule provides for a more stringent activity classification compared to the NES, and/or a rule contains more stringent controls or conditions (this includes additional controls or conditions) in respect of an activity compared to the NES.
3. Does the rule give effect to an objective developed to give effect to the NSPFM?
  - a. The RMA requires the pSWLP in its entirety to give effect to the NPSFM. Further, all rules are required to implement the policies, which in turn must implement the objectives, of the pSWLP. The pSWLP was prepared to give effect to the NPSFM.
  - b. Accordingly, we have assumed that all of the pSWLP rules meet this test.

## NOTES

Please note that for the purposes of preparing this table we have not analysed all of the drop downs in respect of the The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES), only the permitted activities.

The table therefore identifies which rules in the proposed Southland Water and Land Plan (pSWLP) may be more stringent than the NES. It should be reiterated that whether a rule in the pSWLP is more stringent than the NES will depend on the particular activity being undertaken.

The conditions in the NES and pSWLP that must be complied with are not repeated in full and separate reference to these documents may be required.

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# ► Afforestation

## Afforestation means:

- (a) planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last five years; but
- (b) it does not include vegetation clearance from the land before planting.

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 9(2)</b></p> <p>Afforestation is a permitted activity if regulations 10, 11, 12, and 14(3) are complied with, in any—</p> <ul style="list-style-type: none"> <li>(a) green, yellow, or orange zone; or</li> <li>(b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.</li> </ul>	<p>Rule 76(1)(c) provides that the planting of production forestry in the beds or margins of a lake, river, modified watercourse or wetland is a discretionary activity.</p> <p>No other rules control afforestation.</p>	<p>Because Rule 76 applies in the margins of lakes, rivers, modified watercourses and wetlands, it will be more stringent than Regulation 9(2).</p> <p><b>Rule 76 will be more stringent than regulation 9(2) in some situations (for example, where afforestation occurs in the margin of a river).</b></p> <p>Note Rule 25 Cultivation does not apply to afforestation, as the definition of cultivation in the pSWLP is “<b>Preparing land</b> for growing pasture or a crop by mechanical tillage, direct drilling, herbicide spraying, or herbicide spraying followed by over-sowing for pasture or forage crops (colloquially referred to as ‘spray and pray’), but excluding any spraying undertaken solely for the control of pest plant species.”</p> <p>Afforestation is defined as the planting and growing of trees, and does not encompass the preparation of the land (as set out above). The preparation of land is separately defined as “mechanical land preparation”. We have assessed Rule 25 in respect of mechanical land preparation, below.</p>

## ► Pruning and thinning to waste

**Pruning and thinning to waste means** pruning plantation forest trees and thinning to waste involving the selective felling of plantation forest trees within a stand where the felled trees remain on site.

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 19(2)</b></p> <p>Pruning and thinning to waste is a permitted activity if regulation 20(1) or (2) is complied with.</p>	<p>No rules in the pSWLP apply to pruning and thinning (as a separate land use).</p> <p>The associated discharge of sediment into water, disturbance of a bed, or vegetation in the bed of a river or lake, or diversion of water associated with pruning and thinning to waste is permitted under the NES if Regulations 19(2) and 20 are met. These are analysed below.</p>	<p>We do not consider any pSWLP rules regulate this activity (other than discharges, which are analysed below.)</p>

## ► Earthworks

### Earthworks:

- (a) means disturbance of the surface of the land by the movement, deposition, or removal of earth (or any other matter constituting the land, such as soil, clay, sand, or rock) in relation to plantation forestry; and
- (b) includes the construction of forestry roads, forestry tracks, landings and river crossing approaches, cut and fill operations, maintenance and upgrade of existing earthworks, and forestry road widening and realignment; but
- (c) does not include soil disturbance by machinery passes, forestry quarrying, or mechanical land preparation

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 24(1)</b></p> <p>Earthworks are a permitted activity if regulations 25 to 33 are complied with and the activity is as specified in subclause (2).</p>	<p>N/A</p>	<p>The pSWLP does not control earthworks. The associated discharges and bed disturbance activities are analysed below.</p>

# ► River crossings

## River crossings:

- (a) means a structure that is required for the operation of a plantation forest and provides for vehicles or machinery to cross over a water body; and
- (b) includes an apron and other structures and materials necessary to complete a river crossing; but
- (c) does not include a stormwater culvert or a culvert under a forestry road or forestry track

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 37</b></p> <p>(1) Constructing, using, maintaining, or removing a river crossing that is a single or battery culvert, drift deck, single-span bridge, or ford is a permitted activity if regulations 38 to 45 are complied with and —</p> <ul style="list-style-type: none"> <li>(a) a single culvert complies with regulation 46(1):</li> <li>(b) a battery culvert complies with regulation 46(2):</li> </ul>	<p>Rule 59 regulates the placement, erection, reconstruction, use, repair, and maintenance of culverts.</p> <p>Rule 68 controls the removal of any structure (including a culvert) in, on, under, or over the bed of a lake, river or modified watercourse, and any associated bed disturbance and discharge.</p>	<p>In some situations, <b>Rules 59 and 68 will be more stringent</b> than regulation 37(1)(a) (which has to comply with regulations 38 to 45, and 46(1) for single culverts, and 45 and 46(2) for battery culverts).</p> <p>For example, Rule 59 has a maximum diameter of a single culvert of 1,200mm and controls structures within mātaimai, nohoanga and taiāpure. Rule 55A which must be complied with under Rules 59 and 68 and it states there must be no disturbance of whitebait spawning habitat.</p> <p>The associated discharges and bed disturbance activities are analysed below.</p>
<ul style="list-style-type: none"> <li>(c) a drift deck complies with regulation 46(3):</li> <li>(d) a ford complies with regulation 46(4):</li> </ul>	<p>Rule 62 provides that the excavation of the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge for the purpose of constructing a ford, and the use of the ford, is permitted if it complies with Rule 55A.</p> <p>Rule 66 controls the maintenance of structures (including fords and drift decks) in, on, under, or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.</p> <p>Rule 68 controls the removal of any structure (including a drift deck / ford) in, on, under, or over the bed of a lake, river or modified watercourse, and any associated bed disturbance and discharge.</p>	<p>In general most of the conditions in the NES are more stringent (Regulations 45, 46(3) and 46(4)). However, in some circumstances parts of <b>Rules 62, 66 and 68 will be more stringent</b> (via additional requirements) (for example the conditions specify that no disturbance of roosting areas of certain birds (55A(b)) and spreading of pests.</p> <p>Drift decks and fords will both fall within the pSWLP definition of ford.</p> <p>The associated discharges and bed disturbance activities are analysed below.</p> <p>The pSWLP rules in relation to wetlands are analysed below.</p>



## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

(e) a single-span bridge complies with regulation 46(5).

Rule 57 controls the placement, erection, reconstruction and use of any bridge in, on or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.

Rule 66 controls the maintenance of structures (including bridges) in, on, under, or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.

Rule 68 controls the removal of any structure (including bridges) in, on, under, or over the bed of a lake, river or modified watercourse, and any associated bed disturbance and discharge.

The NES (Regulations 45 and 46(5)) contains a range of permitted activity conditions that are more stringent than the requirements in Rules 57, 66, and 68. However, in some situations **Rules 57, 66, and 68 will be more stringent**, e.g. in order to be a permitted activity under Rule 57 there must be no support structures in the bed, and the structure cannot be within any mātaītai, nohoanga, or taiāpure (matters which are not controlled by the NES). Further, Rules 57, 66, and 68 require that the conditions in Rule 55A must also be met, which are more stringent than the NES in some situations e.g. there is no disturbance of roosting and nesting areas, equipment/machinery must be cleaned and there is no disturbance of whitebait spawning habitat from November to May.

(2) Constructing, using, maintaining, or removing a temporary river crossing or temporary single-span bridge is a permitted activity if regulations 38 to 41 and 43 to 45 are complied with and —

As per below analysis

As per below analysis

(a) a temporary river crossing complies with regulation 46(6):

Rule 59 regulates the placement, erection, reconstruction, use, repair, and maintenance of culverts.

Rule 68 controls the removal of any structure in, on, under, or over the bed of a lake, river or modified watercourse, and any associated bed disturbance and discharge.

Rule 69 controls any use, erection, maintenance, reconstruction, placement, replacement, alteration, extension, removal or demolition of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland, and any associated bed disturbance and discharge resulting from carrying out the activity, that is not provided for by a rule in the pSWLP as a discretionary activity.

A temporary river crossing is defined by the NESPF as a river crossing that is in place for up to 2 months, but does not include fords or bridges.

Under the pSWLP, a temporary river crossing could fall within the definition of culvert and be regulated by Rules 59 and 68.

A temporary river crossing that is not a culvert will be regulated by Rule 69 as a structure not otherwise covered by the pSWLP rules.

For temporary culverts, in some situations, **Rules 59 and 68 will be more stringent** than regulation 37(1) (a) (which has to comply with regulations 38 to 45, and 46(1) for single culverts, and 46(2) for battery culverts).

For example, Rule 59 has a maximum diameter of a single culvert of 1,200mm and controls structures within mātaītai, nohoanga and taiāpure. Rule 55A which must be complied with states there must be no disturbance of whitebait spawning habitat.

For temporary river crossings that are not culverts, **Rule 69 will be more stringent** than the NES, as Rule 69 is for a discretionary activity (and this activity is a permitted activity in the NES, provided specified conditions are met in the NES).

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(b) a temporary single-span bridge complies with regulations 42 and 46(5) (b), (c), and (d), and (7).

Rule 57 controls the placement, erection or reconstruction of any bridge in, on or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.

Rule 66 controls the maintenance of structures (including bridges) in, on, under, or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.

Rule 68 controls the removal of any structure (including bridges) in, on, under, or over the bed of a lake, river or modified watercourse, and any associated bed disturbance and discharge.

The NES contains a range of permitted activity conditions that are more stringent than the requirements in Rule 57. However, in some situations **Rules 57, 66 and 68 will be more stringent**, e.g. in order to be a permitted activity there must be no support structures in the bed, and the structure cannot be within any mātaītai, nohoanga, or taiāpure. Further, Rules 57, 66 and 68 require that the conditions in Rule 55A must also be met, which are more stringent than the NES in some situations e.g. there is no disturbance of roosting and nesting areas, equipment/machinery must be cleaned and there is no disturbance of whitebait spawning habitat from November to May.

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(3) Using or maintaining an existing river crossing is a permitted activity if regulations 39 to 42 are complied with.

There are a range of rules in the pSWLP that control the use and maintenance of existing river crossings:

- bridges – Rule 57(c) and Rule 66
- culverts – Rule 59(c)
- fords/drift decks – Rule 62(c) and Rule 66
- other existing structures not provided for above – Rule 69

Bridges – in relation to use, the NES will usually be more stringent, however, in some circumstances the pSWLP (**Rule 57**) will be more stringent as it requires bridges to have been lawfully established. In relation to maintenance, in some circumstances **Rule 66 in the pSWLP will be more stringent**. This is because Rule 66 requires compliance with Rule 55A, including condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

Culverts – while the permitted activity conditions in the NES and the pSWLP are expressed slightly differently, they cover similar matters. In relation to culverts, the NES is more stringent.

Fords/drift decks – in relation to use, some aspects of the pSWLP (**Rule 62(c)**) will be more stringent, for example, if a ford is used for a vehicle crossing it must comply with all of the conditions in Rule 55A. In relation to maintenance, in some circumstances the pSWLP (**Rule 66**) will be more stringent. This is because Rule 66 requires compliance with Rule 55A, including condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

Other existing structures – **Rule 69 is more stringent** than the NES as the use and maintenance of structures not covered by the Plan are discretionary activities.

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# ► Forestry quarrying

## Forestry quarrying:

- (a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other plantation forestry infrastructure, including landings, river crossing approaches, abutments, and forestry tracks,—
  - (i) within a plantation forest; or
  - (ii) required for the operation of a plantation forest on adjacent land owned or managed by the owner of the plantation forest; and
- (b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but
- (c) does not include earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 51(2)</b></p> <p>Forestry quarrying is a permitted activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulations 52, 54(3) and (4), 55, 56, 58, and 59 are complied with.</p>	<p>N/A</p>	<p>Rule 73 controls gravel extraction from the bed of a lake, river or modified watercourse.</p> <p>However, the definition of forestry quarrying in the NES explicitly excludes gravel extraction from the bed of a river, lake, or other water body.</p> <p>Accordingly, the pSWLP does not control forestry quarrying as defined in the NES.</p> <p>Discharges and the use and disturbance of the beds of lakes, rivers and wetlands associated with forestry quarrying are addressed below.</p>

# ► Harvesting

## Harvesting:

- (a) means felling trees, extracting trees, thinning tree stems and extraction for sale or use (production thinning), processing trees into logs, or loading logs onto trucks for delivery to processing plants; but
- (b) does not include—
- (i) milling activities or processing of timber; or
  - (ii) clearance of vegetation that is not plantation forest trees

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 63(2) AND (3)</b></p> <p>(2) Harvesting is a permitted activity if regulations 64 to 69 are complied with and the harvesting is in any—</p> <ul style="list-style-type: none"> <li>(a) green, yellow, or orange zone; or</li> <li>(b) red zone that is not of Land Use Capability Class 8e, where it involves no more than 2 ha of harvesting in any 3-month period.</li> </ul> <p>(3) Harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of plantation forest land (low-intensity harvesting) is a permitted activity in all erosion susceptibility classification zones if regulations 64 to 69 are complied with.</p>	<p>Rule 58 controls the placement, erection or reconstruction of any cable, wire, pipe or pipeline (including any intake or discharge pipe or temporary gauging system) and associated safety signs or markers in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge.</p> <p>There are no applicable land use rules regulating harvesting as a land use in the pSWLP.</p>	<p>Rule 58 applies in the beds of lakes, rivers, modified watercourses and wetlands and requires a number of conditions to be met to be permitted, e.g. in order to be a permitted activity there must be no support structures in the bed, and the structure cannot be within any mātaimai, nohoanga, or taiāpure. Further, Rule 58 requires that the conditions in Rule 55A must also be met, which are more stringent than the NES in some situations e.g. there is no disturbance of roosting and nesting areas, equipment/ machinery must be cleaned, and there is no disturbance of whitebait spawning habitat from November to May.</p> <p>Insofar as a harvesting activity utilises cables or wires to extract trees across rivers and lakes, <b>in some situations, Rule 58 will be more stringent than Regulation 63(2) and (3).</b></p> <p>Note Rule 25 cultivation does not apply as the definition of cultivation is the preparation of land for growing pasture or a crop.</p> <p>The discharges, and disturbance of the bed of lakes, rivers and wetlands, associated with harvesting are addressed below.</p>

# ► Mechanical land preparation

## Mechanical land preparation:

- (a) means using machinery to prepare land for replanting trees, including root-raking, discing, ripping, roller crushing, clearing slash, and mounding the soil into raised areas; but
- (b) does not include—
  - (i) the creation of alternating drains and planting mounds using a V-shaped blade attached to the front of a bulldozer; or
  - (ii) earthworks or forestry quarrying

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 73(2)</b></p> <p>(2) Mechanical land preparation is a permitted activity if regulation 74 is complied with and the mechanical land preparation is in any—</p> <ul style="list-style-type: none"> <li>(a) green or yellow zone; or</li> <li>(b) orange or red zone where the land slope is less than 25 degrees; or</li> <li>(c) orange or red zone where the land slope is 25 degrees or more, if the subsoil is not affected; or</li> <li>(d) orange or red zone where the land slope is 25 degrees or more, and where the subsoil is affected, but the area covered by the mechanical land preparation activity is 2 ha or less in any calendar year.</li> </ul>	<p>Rule 25 controls the use of land for cultivation. Rule 25(a) provides that cultivation is a permitted activity if cultivation meets a number of conditions including 5m setback from waterbodies, and that cultivation does not occur on land with a slope greater than 20 degrees, or at an altitude greater than 800 meters above mean sea level.</p> <p>Rule 25(d) provides that cultivation greater than 800 metres is a non-complying activity.</p> <p>In other cases, cultivation will be a restricted discretionary activity under Rule 25(c).</p> <p>Rule 20(aa) also provides that the use of land for cultivation in, on, or over the bed of an ephemeral river is a permitted activity.</p>	<p>The NES contains a number of permitted activity conditions in respect of mechanical land preparation that are more stringent than Rule 25 (see Regulation 74).</p> <p>However, <b>Rule 25 of the pSWLP will be more stringent</b> than Regulation 73(2) and 74 of the NES in respect of requiring a 5 metre setback from non-perennial rivers, lakes smaller than 0.25 ha, artificial watercourses, modified watercourses, and wetlands smaller than 0.25 hectares. However, the NES will be more stringent than Rule 25 in respect of requiring a 10m setback from a perennial river with a bankfull channel width of 3 m or more, lakes larger than 0.25 hectares, an outstanding freshwater body, or a waterbody subject to a water conservation order.</p> <p><b>Rule 25 will be more stringent than Regulation 73(2)</b> of the NES in respect of cultivation occurring on land with a slope greater than 20 degrees, as this will be assessed as a restricted discretionary activity under the pSWLP.</p> <p><b>Rule 25(d) will be more stringent</b> than Regulations 73(2) and 75(1) of the NES, as it provides that any cultivation at an altitude greater than 800 metres is a non-complying activity.</p> <p>The associated discharges are analysed below.</p>



## ► Replanting

**Replanting** means the planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 77(2)</b></p> <p>Replanting is a permitted activity if regulations 78(2) and (3) and 79 are complied with and the replanting is in any—</p> <p>(a) green, yellow, or orange zone; or</p> <p>(b) red zone where the land proposed for replanting is 2 ha or less in any calendar year.</p>	N/A	<p>There are no applicable rules regulating replanting as a land use in the pSWLP.</p> <p>Note Rule 25 cultivation does not apply as the definition of cultivation is the preparation of land for growing pasture or a crop.</p> <p>The discharges associated with replanting are addressed below.</p>

## ► Slash Traps

### Slash traps means:

a structure set in a river, on the bed of a river, or on land to trap slash mobilised by water  
any tree waste left behind after plantation forestry activities

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 83(2)</b></p> <p>Constructing, installing, using, maintaining, or removing a slash trap in the bed of a river or on land is a permitted activity if regulations 84 to 91 are complied with.</p>	<p>Slash traps are not otherwise specifically provided for in the pSWLP rules. Accordingly, these will be assessed under Rule 69.</p> <p>Rule 69 controls, as a discretionary activity, any use, erection, maintenance, reconstruction, placement, replacement, alteration, extension, removal or demolition of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland, and any associated bed disturbance and discharge resulting from carrying out the activity, that is not provided for by a rule in the pSWLP.</p>	<p><b>Rule 69 will be more stringent than the NES</b>, as Rule 69 is for a discretionary activity (and this activity is a permitted activity, provided specified conditions are met in the NES).</p>

# ▶ Non-indigenous vegetation clearance

## Non-indigenous vegetation clearance:

- (a) means the disturbance, cutting, burning, clearing, damaging, destruction, or removal of vegetation that is not a plantation forest tree; but
- (b) does not include any activity undertaken in relation to a plantation forest tree

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 95</b></p> <p>(1) Vegetation clearance of non-indigenous vegetation associated with a plantation forestry activity is a permitted activity if all permitted activity conditions are met for the associated plantation forestry activity.</p>	<p>The pSWLP controls the removal of vegetation in wetlands (Rule 74) as a non-complying activity.</p> <p>Rule 79 controls high country burning. In some circumstances (depending on the location and time of year) it will be more stringent as it is a restricted discretionary activity.</p>	<p>To extent it applies, <b>Rule 74 will be more stringent.</b></p> <p><b>Rule 79 will be more stringent than the NES</b> in some circumstances.</p>

# ► Discharge of sediment into water or to land in circumstances that may result in it entering water

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 97</b></p> <p>(1) Any discharge of sediment into water or to land in circumstances that may result in it entering water ... associated with a plantation forestry activity is a permitted activity if subclauses (3) and (4) are complied with* and—</p> <p>[See (a) to (g) below]</p> <p>(7) A discharge of sediment into water or onto land in circumstances that may result in it entering water, disturbance of a bed or vegetation in the bed of a river or lake, or diversion of water, associated with a plantation forestry activity that does not comply with subclause (1)(a) to (g), has the same activity status that applies if the conditions of the associated plantation forestry activity are not complied with.</p>	<p>Rule 5 and 6 of the pSWLP provide that the discharge of any contaminant (which would include sediment) into a lake, river, artificial watercourse, modified watercourse, or natural wetland, or onto land where it may enter water, is a discretionary activity (where water quality standards are met) or non-complying in other circumstances.</p>	<p>We analyse each of the individual forestry activities identified in regulation 97(1) below.</p> <p>To the extent that there are any other discharges associated with a plantation forestry activity, then Rules 5 and 6 will be more stringent as these rules require a discretionary activity and the NES has no conditions applying to plantation forestry activities, other than the specified ones below.</p>

\* Sub-clauses (3) and (4) all relates to disturbance and are not analysed further for the purposes of determining whether the discharge rules in the pSWLP are more stringent.



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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(a) pruning and thinning to waste complies with regulations 19(2) and 20:

Rule 38 provides that the discharge of vegetative waste into or onto land in circumstances where a contaminant may enter water is a permitted activity subject to compliance with a range of conditions. In some circumstances we expect that the conditions will not be able to be complied with. For example, the rule provides that vegetative material can not be discharged onto land when material from a previous application is still visible on the land surface. The Rule also restricts discharges in certain soil moisture and soil temperatures and the average depth to 10 millimetres.

Rule 5 and 6 provide that the discharge of any contaminant (which would include sediment) into a lake, river, artificial watercourse, modified watercourse, or natural wetland, or onto land where it may enter water, is a discretionary activity (where water quality standards are met) or non-complying in other circumstances.

**Rule 38 will be more stringent in some circumstances** because regulation 97 permits the discharge onto land, subject to complying with regulations 19(2) and 20. The conditions in these regulations do not control the matters that Rule 38 does.

**Rules 5 and 6 will also be more stringent** in certain circumstances. This is because regulation 97 permits the discharge onto land, subject to complying with regulations 19(2) and 20. Regulations 19(2) and 20 allow discharges of sediment to water and land in certain circumstances as a permitted activity.

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(b) earthworks comply with regulations 24 to 33:

Rule 15 provides that the discharge of stormwater onto, or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse, or wetland is a permitted activity subject to complying to certain conditions.

Stormwater is defined as surface water run-off subsequent to precipitation. Accordingly it will often contain sediment.

Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

To the extent there are discharges of sediment that are not associated with stormwater (i.e. not following a rainfall event) or vehicles and machinery, associated with earthworks then Rules 5 and 6 will apply.

In most situations the NES will be more stringent as it has greater controls on discharges associated with earthworks. However, in some situations **Rule 15 may be more stringent** (for example if hazardous substances are present).

**Rule 77 may also be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

**Rules 5 and 6 will also be more stringent** in certain circumstances. This is because regulation 97 permits the discharge onto land, subject to complying with regulations 24 to 33. These allow discharges of sediment to water and land in certain circumstances as a permitted activity.

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(c) river crossings comply with regulations 37 to 46:

The pSWLP rules relating to river crossings provide for the discharges associated with the construction of bridges, culverts, fords and have not been separately analysed (see above)

In relation to the use and maintenance of river crossings, other than fords, there is no associated discharge provided for. This is expected given there should not be a discharge associated with the use of these structures.

In relation to fords the associated use is permitted, so again we have not separately analysed these discharges.

Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

See above analysis of river crossings.

**Rule 77 may be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

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(d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59:

As per earthworks above, the rules relevant to discharges associated with forestry quarrying will be Rules 15 and Rules 5 and 6.

In most situations the NES will be more stringent as it has greater controls on discharges associated with forestry quarrying. However, in some situations **Rule 15 may be more stringent** (for example if hazardous substances are present).

**Rules 5 and 6 will also be more stringent** in certain circumstances. This is because regulation 97 permits the discharge onto land, subject to complying with regulations 24 to 33. These allow discharges of sediment to water and land in certain circumstances as a permitted activity.

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69:

Assuming there is some waste produce when harvesting is undertaken, then Rule 38 will be relevant. It provides that the discharge of vegetative waste into or onto land in circumstances where a contaminant may enter water is a permitted activity subject to compliance with a range of conditions. In some circumstance we expect that the conditions will not be able to be complied with. For example, the rule provides that vegetative material can not be discharged onto land when material from a previous application is still visible on the land surface. The Rule also restricts discharges in certain soil moisture and soil temperatures and the average depth to 10 millimetres.

If harvesting utilises cables or wires to extract trees across rivers and lakes, Rule 58 will be relevant. Rule 58 provides for the discharge associated with the placement erection, or reconstruction of any cable, wire etc in, on, or over the bed of a waterbody. Accordingly, the discharges have not been separately analysed (see above).

Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

Rule 5 and 6 provide that the discharge of any contaminant (which would include sediment) into a lake, river, artificial watercourse, modified watercourse, or natural wetland, or onto land where it may enter water, is a discretionary activity (where water quality standards are met) or non-complying in other circumstances.

**Rule 38 will be more stringent in some circumstances** because regulation 97 permits the discharge onto land, subject to complying with regulations 63(2) and (3), 64 and 65 to 69. The conditions in these regulations do not control the matters that Rule 38 does.

**Rule 58 will be more stringent in some circumstances** than regulation 97 in respect of harvesting activities utilising wires or cables to extract trees, see above analysis in relation to harvesting.

**Rule 77 may be more stringent in certain** circumstances as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

**Rules 5 and 6 will also be more stringent** in certain circumstances. This is because regulation 97 permits the discharge onto land, subject to complying with regulations 63(2) and (3), 64 and 65 to 69. These allow discharges of sediment to water and land in certain circumstances as a permitted activity.

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(f) mechanical land preparation complies with regulations 73(2) and 74:

Rule 24(a) provides that the discharge of sediment onto or into land in circumstances that may result in a contaminant entering water is a permitted activity if the land use activity (i.e. cultivation) is authorised under Rule 25 and the discharge is managed to ensure it does not give rise to specified effects after reasonable mixing.

Discharges to water associated with mechanical land preparation may also be regulated under Rules 15 and Rules 5 and 6 (as per earthworks above). These rules will apply to the extent that mechanical land preparation (as defined in the NES) authorises activities beyond cultivation (as defined in the pSWLP).

In respect of the discharge of sediment from vehicles and machinery, Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

In most situations (i.e. where cultivation aspect of mechanical land preparation is authorised under Rule 25) the NES will be more stringent as it has greater controls on discharges associated with mechanical land preparation. Where the cultivation aspect of mechanical land preparation is not authorised under Rule 25 (by way of permitted activity rule, or resource consent), the discharge of sediment will be a non-complying activity under Rule 24(b). In such circumstances, **Rule 24(b) will be more stringent** than Regulation 97 of the NES.

**Rule 77 may be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

**In some situations Rule 15 may be more stringent** (for example if hazardous substances are present).

**Rules 5 and 6 will also be more stringent** in certain circumstances. This is because Regulation 97 permits the discharge onto land, subject to complying with regulations 73(2) and 74. These allow discharges of sediment to water and land in certain circumstances as a permitted activity.

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(g) slash traps comply with regulations 83(2) and 84 to 91.

Rule 69 provides for the discharge associated with the construction and use of 'other structures' which slash traps will fall under. Accordingly, the discharges have not been separately analysed (see above).

**Rule 69 will be more stringent than the NES,** as Rule 69 is for a discretionary activity (and this activity is a permitted activity, provided specified conditions are met in the NES).

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# ► Discharge of the bed or vegetation in the bed of a river or lake

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 97</b></p> <p>(1) Any ... disturbance of the bed or vegetation in the bed of a river or lake ... associated with a plantation forestry activity is a permitted activity if subclauses (3) and (4) are complied with and—</p> <p>[See (a) to (g) below]</p> <p>(7) ... disturbance of a bed or vegetation in the bed of a river or lake...associated with a plantation forestry activity that does not comply with subclause (1) (a) to (g), has the same activity status that applies if the conditions of the associated plantation forestry activity are not complied with.</p> <p>(8) Disturbance of the bed or vegetation in the bed of a perennial river or lake associated</p>	<p>Rule 76 provides that the introduction or planting of any plant, or part of a plant, in the bed or margins of a lake, river or modified watercourse for production forestry is a discretionary activity.</p>	<p><b>Rule 76 will be more stringent than the NES</b> in relation to the disturbance of the bed or vegetation in the bed of a river or lake associated with the planting of plantation forestry activity.</p>

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(a) pruning and thinning to waste complies with regulations 19(2) and 20:

It is arguable that Rule 76, which provides the introduction or planting of any plant, or part of a plant, in the bed or margins of a lake, river or modified watercourse for production forestry is a discretionary activity, is applicable to pruning and thinning where it results in disturbance.

To the extent Rule 76 does not apply, then Rule 4 of the pSWLP provides that any activity that would otherwise contravene section 13(1) of the RMA and is not classified by the Plan is a discretionary activity.

**To the extent that Rule 76 applies, it will be more stringent than the NES** in relation to the disturbance of the bed or vegetation in the bed of a river or lake associated with pruning and thinning.

To the extent that Rule 76 does not apply, then **Rule 4 of the pSWLP will be more stringent than the NES.**

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(b) earthworks comply with regulations 24 to 33:

There is no separate rule within the pSWLP which controls the disturbance of the bed of a lake or river associated with earthworks.

In respect of the disturbance of the bed by vehicles and machinery, Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

Rule 4 of the pSWLP provides that any activity that would otherwise contravene section 13(1) of the RMA and is not classified by the Plan is a discretionary activity.

While the NES contains setbacks for earthworks from certain waterbodies, it does not require setbacks from all water bodies (such as non perennial rivers and lakes smaller than 0.25 hectares). Accordingly, it appears that disturbance of the beds of lakes and rivers could occur as a permitted activity under the NES in some situations.

**Rule 77 may be more stringent** in certain circumstances as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

Aside from the bed disturbance by vehicles and machinery, the disturbance will fall under **Rule 4 which is more stringent than the NES.**

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(c) river crossings comply with regulations 37 to 46:

The pSWLP rules relating to river crossings provide for the disturbance associated with the construction of bridges, culverts, fords and have not been separately analysed (see above).

In relation to the use and maintenance of river crossings, other than fords, there is no associated disturbance provided for. This is expected given there should not be a disturbance of the bed associated with the use of these structures.

In relation to fords the associated use is permitted, so again we have not separately analysed these discharges.

In respect of the disturbance of the bed by vehicles and machinery, Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances

The disturbance associated with river crossings under the NES must comply with Regulations 97(3) and (4) (which addresses matters relation to fish spawning), which will be more stringent than the pSWLP rules in a number of scenarios.

However, because disturbance under the NES is only permitted where the river crossing is permitted, based on the analysis above regarding the construction, maintenance and use of the different types of river crossings there will be some situations where the pSWLP rules will be more stringent.

In particular, **Rules 57, 59, 62, 66, and 68 will be more stringent** in some situations.

In respect of the disturbance of the bed by vehicles and machinery, **Rule 77 may be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

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(d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59:

N/A

N/A as the definition of forestry quarrying excludes earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body.

Rule 73 will apply to any applications to extract gravel from river beds and the associated disturbance of the bed of a lake, river or modified water course.

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69:

If harvesting utilises cables or wires to extract trees across rivers and lakes, Rule 58 will be relevant. Rule 58 provides for the disturbance of the bed of a river or lake associated with the placement erection, or reconstruction of any cable, wire etc in, on, or over the bed of a waterbody. Accordingly, the disturbance has not been separately analysed (see above).

In respect of the disturbance of the bed by vehicles and machinery, Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

To the extent that Rules 58 and 77 do not apply, there is no separate rule within the pSWLP which controls the disturbance of the bed of a lake or river associated with harvesting. Rule 4 of the pSWLP provides that any activity that would otherwise contravene section 13(1) of the RMA and is not classified by the Plan as a discretionary activity.

To the extent that harvesting utilises cables or wires to extract trees across rivers and lakes, **Rule 58 will be more stringent in some circumstances** than regulation 97 (see above analysis).

In respect of the disturbance of the bed by vehicles and machinery, **Rule 77 may be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

Regulation 97(1)(e) requires compliance with Regulation 68. While this contains a number of permitted activity standards applicable to disturbance of the bed associated with harvesting, in the absence of any rule in the pSWLP dealing with disturbance, then **Rule 4 will be more stringent** as it will require a discretionary activity consent to be obtained in all scenarios.

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## REGULATION

## PROPOSED SOUTHLAND WATER & LAND PLAN RULES

## COMMENTS

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(f) mechanical land preparation complies with regulations 73(2) and 74:

Rule 20(aa) provides that cultivation in, on or over the bed of an ephemeral river is a permitted activity.

The pSWLP defines ephemeral river as a river which only contains flowing or standing water following rainfall events or extended periods of above average rainfall.

In respect of the disturbance of the bed by vehicles and machinery, Rule 77 controls the entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated bed disturbance and discharge from that activity as a permitted activity in certain circumstances.

There is no separate rule within the pSWLP which controls the disturbance of the bed of a lake or (non-ephemeral) river associated with mechanical land preparation.

To the extent that Rule 20(aa) and Rule 77 do not apply, Rule 4 of the pSWLP provides that any activity that would otherwise contravene section 13(1) of the RMA and is not classified by the Plan as a discretionary activity.

Regulation 97(1)(f) requires compliance with Regulation 74, which contains setbacks from certain waterbodies, this does not require setbacks from smaller water bodies (e.g. lakes smaller than 0.25ha or non-perennial rivers).

While the NES contains setbacks for earthworks from certain waterbodies, it does not require setbacks from all water bodies (such as non-perennial rivers and lakes smaller than 0.25 hectares). Accordingly, it appears that disturbance of the beds of lakes and rivers could occur as a permitted activity under the NES in some situations. In the absence of a particular rule regulating the disturbance in the pSWLP, the disturbance of the bed of a lake or non-ephemeral river (other than by vehicles and machinery), will fall under **Rule 4 which is more stringent** than the NES.

In respect of the disturbance of the bed by vehicles and machinery, **Rule 77 may be more stringent in certain circumstances** as it requires certain conditions in Rule 55A to be met, including condition (h) that equipment/machinery must be cleaned, and condition (l) which provides that there is no disturbance of whitebait spawning habitat from November to May.

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(g) slash traps comply with regulations 83(2) and 84 to 91.

Rule 69 provides for the disturbance associated with the construction and use of 'other structures' which slash traps will fall under. Accordingly, the disturbance have not been separately analysed (see above).

**Rule 69 will be more stringent than the NES,** as Rule 69 is for a discretionary activity (and this activity is a permitted activity, provided specified conditions are met in the NES).

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# ► Diversion of water associated with plantation forestry activity

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 97(1)</b></p> <p>Any ...diversion of water ... associated with a plantation forestry activity is a permitted activity if subclauses (3) and (4) are complied with* and—</p> <p>(a) pruning and thinning to waste complies with regulations 19(2) and 20:</p> <p>(b) earthworks comply with regulations 24 to 33:</p> <p>(c) river crossings comply with regulations 37 to 46:</p> <p>(d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59:</p> <p>(e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69:</p> <p>(f) mechanical land preparation complies with regulations 73(2) and 74:</p> <p>(g) slash traps comply with regulations 83(2) and 84 to 91.</p> <p>(7) ...diversion of water, associated with a plantation forestry activity that does not comply with subclause (1)(a) to (g), has the same activity status that applies if the conditions of the associated plantation forestry activity are not complied with.</p>	<p>Rule 51 provides for minor diversions of water within a river or lake bed as a permitted activity, provided that the diversion is for the purposes of undertaking a permitted activity under Rules 55 to 79 and other relevant conditions are complied with (including that the diversion is carried out completely within a river or lake bed (i.e. no water is diverted outside of the river or lake bed); and the water is returned to its original course after completion of the activity, no later than one month after the diversion occurs).</p> <p>Other diversions will either be restricted discretionary activities under Rule 49(b) or discretionary (Rule 52) or non-complying (Rule 49(d)).</p>	<p>While Rule 51 applies permitted activity status to minor diversions, this will only apply where the structure regulated by Rules 55 to 79 is permitted. For example, it will not apply to diversions associated with slash traps (given that the construction of these are not permitted by the pSWLP).</p> <p>Depending on the particular activity, <b>Rules 49(b), 49(d) and 52 will be more stringent</b> that the NES in some situations.</p>

\* Sub-clauses (3) and (4) all relate to disturbance and are not analysed further for the purposes of determining whether the diversion rules in the pSWLP are more stringent.

## ► Disturbance of a wetland

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 97(2)</b></p> <p>(2) Disturbance of a wetland (including vegetation or soil disturbance) associated with a plantation forestry activity is a permitted activity if subclause (5) is complied with and—</p> <p>(a) the wetland is greater than 100 m<sup>2</sup> and less than 0.25 ha; or</p> <p>(b) the wetland is greater than 100 m<sup>2</sup> and the associated plantation forestry activity is harvesting.</p> <p>(9) Disturbance of a wetland associated with a plantation forestry activity and described in subclause (2) is a discretionary activity if it does not comply with subclause (5).</p>	<p>We note that a number of permitted activity rules in the pSWLP provide for the associated disturbance of a wetland as a permitted activity e.g. Rule 57 (bridges), Rule 58 (cables, wires and pipes), Rule 66 (maintenance of structures), Rule 69 (structures not covered by rules).</p> <p>Rule 74 provides that the use of land within a wetland to maintain existing authorised structures within the wetland is a permitted activity (subject to conditions).</p> <p>However, any use of a wetland for another plantation forestry purpose will be non-complying under Rule 74(c).</p>	<p>While Regulation 97(2) is only framed as being for “disturbance”, to the extent that the “use” of wetlands is separately regulated then, other than for certain maintenance activities, <b>Rule 74(c) will be more stringent</b> than the NES.</p> <p>Disturbance of wetlands under <b>Rule 57, 58, 59 and 69 will be more stringent</b> in certain circumstances.</p>

## ► Dust

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 100(1)</b></p> <p>The discharge of dust to air associated with a plantation forestry activity is a permitted activity if subclause (2) is complied with.</p>	N/A	<p>The pSWLP does not regulate the discharge of dust to air. This activity is regulated by the Air Plan.</p>

# ► Indigenous bird nesting

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 102(1)</b></p> <p>(1) A plantation forestry activity occurring where nesting of the following indigenous bird species occurs must comply with the procedures required by subclause (2):</p> <p>(a) any indigenous bird species with a classification of Nationally Critical, Nationally Endangered, or Nationally Vulnerable in the document referred to in item 8 of Schedule 2 (Conservation status of New Zealand birds); and</p> <p>(b) any of the following bird species as described in the document referred to in item 8 of Schedule 2 (Conservation status of New Zealand birds):</p> <p>(i) <i>Apteryx mantelli</i>, common name: North Island brown kiwi:</p> <p>(ii) <i>Falco novaeseelandiae novaeseelandiae</i>, common name: Eastern falcon:</p> <p>(iii) <i>Falco novaeseelandiae ferox</i>, common name: Bush falcon:</p> <p>(iv) <i>Gallirallus australis greyi</i>, common name: North Island weka.</p>	<p>A number of the rules in the pSWLP relevant to plantation forestry activities require compliance with Rule 55A which sets out general conditions for activities in river and lake beds. This rule requires that there is no disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel (Rule 55A(ab)).</p>	<p>Rules 57, 59, 62, 66, 68 all require compliance with <b>Rule 55A(ab) which is more stringent</b> than the NES because it places additional restrictions on the disturbance of roosting and nesting areas beyond those restricted by Regulation 102.</p> <p>In areas where black fronted tern, black billed gull, banded dotterel or black fronted dotterel do not roost, then Regulation 102 will be more stringent if the indigenous bird species listed in Regulation 102 are present.</p>

## ► Fuel Storage and refuelling

REGULATION	PROPOSED SOUTHLAND WATER & LAND PLAN RULES	COMMENTS
<p><b>REGULATION 104</b></p> <p>(1) Fuel storage, refuelling, and oil changing associated with a plantation forestry activity are permitted activities if subclauses (2) and (3) are complied with.</p>	<p>Rule 55A(e) provides that no fuel storage or machinery refuelling may occur on the area of any bed of a lake or river. This condition applies to a number of rules in the pSWLP, including structures in the beds of rivers and Rule 77 which provides for vehicles and machinery to enter into or pass across the bed of a lake, river, modified watercourse and any associated bed disturbance and discharge.</p>	<p>Regulation 104 is more stringent than Rule 55A, as in addition to restricting discharges into water, or onto or into the bed of a water body, or into or onto land in circumstances that may result in the fuel entering water, there are additional setbacks from waterbodies.</p>



