

12 Land Use Activities and Land-based Biodiversity Indigenous Biological Diversity

12.1 Policies Land Use Activities

12.1.1 Objectives

Objective 12-1: Accelerated erosion* – regulation of vegetation clearance*, land disturbance*, forestry* and cultivation*

The regulation of *vegetation clearance**, *land disturbance**, *forestry** and *cultivation** in a manner that ensures:

- (a) accelerated erosion* and any associated damage to people, buildings and infrastructure^ and other physical resources of regional or national importance are avoided as far as reasonably practicable or otherwise remedied or mitigated, and
- (b) increased sedimentation in water bodies^ as a result of human activity is avoided as far as reasonably practicable, or otherwise mitigated.

12.1.2 Policies

Policy 12-1A: Regional rules^ for vegetation clearance*, land disturbance*, forestry* and cultivation*

The Regional Council must:

- (a) regulate vegetation clearance*, land disturbance*, forestry* and cultivation* through regional rules^ in accordance with Objectives 11A-1, 11A-2 and 12-1 and Policies 11A-1 to 11A-8, and
- (b) manage the effects^ of vegetation clearance* and land disturbance* in Hill Country Erosion Management Areas* by requiring resource consents^ for those activities:
 - (i) adjacent to some water bodies^,
 - (ii) involving the removal of some woody vegetation*, and
 - (iii) involving the formation of new tracking*.

Policy 12-1: Consent decision-making for vegetation clearance*, and land disturbance*, forestry* and cultivation*

For vegetation clearance*, land disturbance*, forestry* or cultivation* that requires resource consent^ under Rule 12-4 or Rule 12-5, the Regional Council must make decisions on consent applications and set consent conditions^ on a case-by-case basis, having regard to the following: When making decisions on resource consent applications, and setting consent conditions, for vegetation clearance* and land disturbance* the Regional Council will have particular regard to:

- ~~(a) — the objectives and policies of Chapter 5~~
- (aa) the Regional Policy Statement, particularly Objective 5-2 and Policies 5-2A and 5-5,
- ~~(b) — whether a whole farm business plan* should be required as a condition of consent~~
- ~~(c) — any industry standards that are relevant to the activity in accordance with Policy 12-2~~
- ~~(d) — whether the vegetation clearance* or land disturbance* is for an important or essential activity as described under Policy 12-3~~
- ~~(e) — the degree of compliance with the standards for managing surface water turbidity as set out in Chapter 6, to the extent that this is necessary and can reasonably be determined~~
- ~~(f) — effects on sensitive areas including, but not limited to:
 - ~~(i) — dwelling houses and other buildings and structures~~
 - ~~(ii) — waahi tapu, marae and other places of significance to tangata whenua~~~~
- (fa) managing the effects^ of land disturbance*, including large-scale earthworks, by requiring Erosion and Sediment Control Plans* or other appropriate plans to be prepared,
- (fb) managing the effects^ of forestry* by requiring sustainable forestry* management practices to be adopted and Erosion and Sediment Control Plans* or other appropriate plans to be prepared,
- (fc) managing the effects^ of cultivation* adjacent to some water bodies^ through the use of sediment run-off control methods,
- (fd) the appropriateness of establishing infrastructure^ and other physical resources of regional or national importance as identified in Policy 3-1,
- (fe) generally allowing the clearance of woody vegetation* on established pasture if that clearance will not lead to accelerated erosion* or the increased sedimentation of water bodies^,
- (ff) generally allowing activities that are for the purpose of managing natural hazards^, including the reduction of flood risk,
- (fg) generally allowing forestry* for soil conservation purposes,
- (fh) generally allowing activities that result in improved land^ stability or enhanced surface water^ quality,
- (fi) any relevant codes of practice, standards, guidelines, or environmental management plans and accepting compliance with them to the extent that they can be used as conditions^ on resource consents^,
- ~~(g) — the appropriateness of adopting the best practicable option to prevent or minimise adverse effects in circumstances where:~~

- ~~(i) numerical guidelines or standards establishing a level of protection for a receiving environment are not available or cannot easily be established, or~~
- ~~(ii) the likely adverse effects are minor, and the costs associated with adopting the best practicable option are small in comparison to the costs of investigating the likely effects on land and water~~
- ~~(h) measures including, but not limited to, sediment and erosion control measures required to reasonably minimise adverse effects[^], including those caused by rainfall and storm events, and~~
- ~~(hi) achieving integrated management through consents that are Region-wide or cover large areas for activities that are widespread and undertaken by or on behalf of a single consent holder including, but not limited to, infrastructure[^] and other physical resources of regional or national importance, or forestry*, provided any such consents are subject to conditions[^], including review provisions, enabling site*-specific matters to be addressed as necessary.~~
- ~~(i) the objectives and policies of Chapter 2 regarding codes of practice and other good practice initiatives, Chapter 3 regarding infrastructure and energy, Chapter 7 regarding indigenous biological diversity, landscapes and natural character, and Chapter 10 regarding natural hazards to the extent that they are relevant to the activity.~~

Policy 12-2: Recognition of industry standards

~~The Regional Council will examine relevant industry-based standards and codes of practice, including those for production forestry, and will accept compliance with industry standards as being adequate to avoid, remedy or mitigate adverse effects to the extent that such standards address the matters in Policy 12-1.~~

Policy 12-3: Important and essential activities

~~The Regional Council will generally allow vegetation clearance* or land disturbance* associated with an activity that is important or essential to the well-being of local communities, the Region or a wider area of New Zealand. Such activities might include, but not be limited to, vegetation clearance* or land disturbance* associated with natural hazard management and the provision of essential infrastructure.~~

Policy 12-4: Large-scale consents

~~For vegetation clearance* and land disturbance* activities that are widespread and undertaken by a single consent holder including, but not limited to:~~

- ~~(a) common activities of network utility operators~~
- ~~(b) forestry operations~~

~~the Regional Council will consider granting consents that are region-wide or cover large areas, provided any such consents are subject to conditions and/or review provisions enabling site-specific concerns to be addressed as necessary.~~

12.2 Indigenous Biological Diversity

12.2.1 Objective

Objective 12-2: Regulation of activities affecting indigenous *biological diversity*[^]

The regulation of *vegetation clearance*^{*}, *land disturbance*^{*}, *forestry*^{*} and *cultivation*^{*} and certain other resource use activities to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna or to maintain indigenous *biological diversity*[^], including enhancement where appropriate.

12.2.2 Policies

Policy 12-5A: *Regional rules*[^] for activities affecting indigenous *biological diversity*[^]

The Regional Council must require *resource consents*[^] to be obtained for *vegetation clearance*^{*}, *land disturbance*^{*} and *cultivation*^{*} and certain other resource use activities within *rare habitats*^{*}, *threatened habitats*^{*} and *at-risk habitats*^{*}, and for *forestry*^{*} that does not minimise potential adverse *effects*[^] on those habitats, through *regional rules*[^] in accordance with Objectives 11A-1, 11A-2 and 12-2 and Policies 11A-1 to 11A-8.

Policy 12-5: ~~Consent decision-making regarding rare and threatened habitats, and at-risk habitats~~

~~The Regional Council will make decisions on resource consent applications involving rare and threatened habitats^{*}, and at-risk habitats^{*} in accordance with the objectives and policies in Chapter 7.~~

Policy 12-5: Consent decision-making for activities in *rare habitats*^{*}, *threatened habitats*^{*} and *at-risk habitats*^{*}

- (a) For activities regulated under Rule 12-6, the Regional Council must make decisions on consent applications and set consent *conditions*[^] on a case-by-case basis, having regard to:
- (i) the Regional Policy Statement, particularly Objective 7-1 and Policy 7-2A,
 - (ii) the significance of the area of habitat, in terms of its representativeness, rarity and distinctiveness, and ecological context, as assessed under Policy 12-6,
 - (iii) the potential adverse *effects*[^] of the proposed activity on that significance, and
 - (iv) for activities regulated under ss13, 14 and 15 RMA, the matters set out in Policy 12-1(h) and relevant objectives and policies in Chapters 6, 13, 15 and 16.

- (b) Consent must generally not be granted for *vegetation clearance**, *land disturbance**, *forestry** or *cultivation** and certain other resource use activities in a *rare habitat**, *threatened habitat** or *at-risk habitat** assessed to be an area of significant indigenous vegetation or a significant habitat of indigenous fauna, unless:
- (i) any more than minor adverse *effects*[^] on that habitat's representativeness, rarity and distinctiveness, or ecological context assessed under Policy 12-6 are avoided as far as reasonably practicable, or otherwise remedied or mitigated, or
 - (ii) any more than minor adverse *effects*[^] which cannot reasonably be avoided, remedied or mitigated are offset to result in a net indigenous *biological diversity*[^] gain.
- (c) Consent must generally be granted for *vegetation clearance**, *land disturbance**, *forestry** or *cultivation** and certain other resource use activities in an *at-risk habitat** assessed not to be an area of significant indigenous vegetation or a significant habitat of indigenous fauna when:
- (i) there will be no significant adverse *effects*[^] on that habitat's representativeness, rarity and distinctiveness, or ecological context as assessed in accordance with Policy 12-6, or
 - (ii) any significant adverse *effects*[^] are avoided, as far as reasonably practicable, or otherwise remedied or mitigated, or
 - (iii) any significant adverse *effects*[^] which cannot reasonably be avoided, remedied or mitigated are offset to result in a net indigenous *biological diversity*[^] gain.
- (d) When assessing an offset in accordance with (b)(ii) or (c)(iii), decision-makers must have regard to:
- (i) the desirability of providing for a net gain within the same habitat type,
 - (ii) the desirability of providing for a net gain in the same ecologically relevant locality as the affected habitat, and
 - (iii) the appropriateness of establishing *infrastructure*[^] and other physical resources of regional or national importance as identified in Policy 3-1.

Policy 12-6: Criteria for assessing the significance of, and the *effects*[^] of activities on, an area of habitat

- (a) An area of *rare habitat**, *threatened habitat** or *at-risk habitat** may be recognised as being an area of significant indigenous vegetation or a significant habitat of indigenous fauna if:
- (i) in terms of representativeness, that habitat:
 - (A) comprises indigenous habitat type that is under-represented (20% or less of known or likely former cover), or
 - (B) is an area of indigenous vegetation that is large relative to other areas of habitat in the Ecological District or Ecological Region, with indigenous species composition, structure and diversity typical of the habitat type, and
 - (C) has functioning ecosystem processes.
- or

- (ii) in terms of rarity and distinctiveness, that habitat supports an indigenous species or community that:
 - (A) is classified as threatened (as determined by the *New Zealand Threat Classification System and Lists**), or
 - (B) is distinctive to the Region, or
 - (C) is at a natural distributional limit, or
 - (D) has a naturally disjunct distribution that defines a floristic gap, or
 - (E) was originally (ie., prehuman) uncommon within New Zealand, and supports an indigenous species or community of indigenous species.

or
 - (iii) in terms of ecological context, that habitat provides:
 - (A) connectivity (physical or process connections) between two or more areas of indigenous habitat, or
 - (B) an ecological buffer (provides protection) to an adjacent area of indigenous habitat (terrestrial or aquatic) that is ecologically significant, or
 - (C) part of an indigenous ecological sequence or connectivity between different habitat types across a gradient (eg., altitudinal or hydrological), or
 - (D) important breeding areas, seasonal food sources, or an important component of a migration path for indigenous species, or
 - (E) habitat for indigenous species that are dependent on large and contiguous habitats.
- (b) The potential adverse *effects*[^] of *vegetation clearance**, *land disturbance**, *forestry** or *cultivation** on a *rare habitat**, *threatened habitat** or *at-risk habitat** must be determined by the degree to which the proposed activity will diminish any of the above characteristics of the habitat that make it significant, while also having regard to the ecological sustainability of that habitat.

12.3 Rules - Vegetation clearance*, land disturbance*, forestry* and cultivation* and indigenous biological diversity

12.1 Rules – Vegetation Clearance and Land Disturbance

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-1 Vegetation clearance and land disturbance not covered by other rules	Any vegetation clearance* or land disturbance* pursuant to s 9 RMA that is not specifically regulated by any other rule in this Plan. For the avoidance of doubt, this rule includes vegetation clearance* and land disturbance* that is carried out in accordance with a whole farm business plan*.	Permitted	(a) For any land disturbance involving a volume of fill or excavation of more than 1000 m ³ /y per property*, effective erosion and sediment control measures shall be installed and maintained during and following completion of works. (b) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. (c) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.	
12-2 Production forestry	Vegetation clearance* or land disturbance* pursuant to s 9 RMA for the purposes of harvesting production forestry or developing land for production forestry planting, in the following circumstances: (a) in the case of land adjoining rivers, lakes and natural wetlands: (i) for areas where the land slope* is between 0° and 15°, within 10 m of the bed of a river, lake or wetland	Controlled	(a) The activity shall not take place in any rare or threatened habitat* or at risk habitat*. (b) The activity shall not take place on a coastal foredune as regulated by Rule 12-5. (c) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording	Control is reserved over: (a) the nature, scale, timing and duration of vegetation clearance or land disturbance (b) compliance with best management practices, including forestry industry standards (c) measures to maintain slope stability

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(ii) for areas where the land slope* is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m, whichever is the lesser</p> <p>(b) in the case of hillcountry highly erodible land*, the affected area is more than 1 ha/y per property*.</p> <p>(c) in the case of coastal highly erodible land*, the affected area is more than 100 m²/y per property*.</p> <p>This rule does not apply to production forestry activities that are:</p> <p>(d) accredited by the Forestry Stewardship Council programme (these are a permitted activity under Rule 12-1)</p> <p>(e) on land mapped as hillcountry highly erodible land* in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (these are a permitted activity under Rule 12-1)</p> <p>(f) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (these are a permitted activity under Rule 12-1).</p>		<p>Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</p> <p>(d) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.</p>	<p>(d) the method of sediment retention and control of sediment run-off,</p> <p>(e) effects on riparian margins and water bodies</p> <p>(f) effects on rare and threatened habitats*, and at-risk habitats*</p> <p>(g) effects on existing structures</p> <p>(h) qualifications required of contractors</p> <p>(i) revegetation requirements</p> <p>(j) procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</p> <p>(k) duration of consent</p> <p>(l) review of consent conditions</p> <p>(m) compliance monitoring.</p> <p>Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons):</p>
<p>12-3 Land disturbance</p>	<p>Land disturbance* on highly erodible land* pursuant to s 9 RMA in circumstances where either the affected area is more than 100 m²/y per property* or the volume of fill or excavation is more than 100 m³/y per property*.</p> <p>This rule does not apply to land disturbance* that is:</p> <p>(a) carried out in accordance with a whole farm business plan* (this is a permitted activity under Rule 12-1)</p> <p>(b) on land mapped as highly erodible land* in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (this is a permitted activity under Rule 12-1);</p>	<p>Controlled</p>	<p>(a) The activity shall not take place in any rare or threatened habitat* or any at-risk habitat*.</p> <p>(b) The activity shall not take place on a coastal foredune or near a water body as regulated by Rule 12-5.</p> <p>(c) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been</p>	<p>Control is reserved over:</p> <p>(a) the nature, scale, timing and duration of land disturbance</p> <p>(b) compliance with best management practices</p> <p>(c) measures to maintain slope stability</p> <p>(d) the method of sediment retention and control of sediment run-off</p> <p>(e) effects on riparian margins and water bodies</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(c) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (this is a permitted activity under Rule 12-1)</p> <p>(d) for the purposes of recontouring or planting dunes to improve dune stability (this is a permitted activity under Rule 12-1, except activities on foredunes regulated under Rule 12-5)</p> <p>(e) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2).</p>		<p>obtained.</p>	<p>(f) effects on rare and threatened habitats*, and at-risk habitats*</p> <p>(g) effects on existing structures</p> <p>(h) qualifications required of contractors</p> <p>(i) revegetation requirements</p> <p>(j) procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</p> <p>(k) duration of consent</p> <p>(l) review of consent conditions</p> <p>(m) compliance monitoring.</p> <p>Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).</p>
<p>12-4 Vegetation clearance</p>	<p>Vegetation clearance* pursuant to s 9 RMA in the following circumstances:</p> <p>(a) in the case of coastal highly erodible land*, the affected area is more than 100 m²/y per property*</p> <p>(b) in the case of hillcountry highly erodible land*, the affected area is more than 1 ha/y per property*.</p> <p>This rule does not apply to vegetation clearance* that is:</p> <p>(c) carried out in accordance with a whole farm business plan*</p> <p>(d) on land mapped as hillcountry highly erodible land* in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (this is a permitted activity under Rule 12-1)</p> <p>(e) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity</p>	<p>Discretionary</p>	<p>(a) The activity shall not take place in any rare or threatened habitat*.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>Act 1993 (this is a permitted activity under Rule 12-1) (f) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2).</p>			
<p>12-5 Vegetation clearance and land disturbance on coastal foredunes and near water bodies</p>	<p>Vegetation clearance* or land disturbance*, including cultivation, pursuant to s 9 RMA in the following areas:</p> <p>(a) for coastal foredunes*, on any land along the west coast of the Region between the coastal marine area and the inland margin of the coastal foredune</p> <p>(b) for rivers, lakes and natural wetlands:</p> <p>(i) in areas where the land slope is between 0° and 15°, within 10 m of the bed of a river, lake or wetland</p> <p>(ii) in areas where the land slope is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m whichever is the lesser</p> <p>(c) for artificial water bodies, within 5 m of the wetted perimeter of the water body.</p> <p>This rule does not apply to vegetation clearance* and land disturbance* that is:</p> <p>(d) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (this is a permitted activity under Rule 12-1) or</p> <p>(e) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2).</p>	<p>Discretionary</p>	<p>(a) The activity shall not take place in any rare or threatened habitat*.</p>	
<p>12-6 Vegetation clearance and land disturbance that do not</p>	<p>Any vegetation clearance* or land disturbance* pursuant to s 9 RMA that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule, but which is not expressly classified as a discretionary or non-complying activity.</p>	<p>Discretionary</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
comply with permitted and controlled activity rules				

12.3 Rules – Land-based Biodiversity Including Wetlands

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-7 Activities within at-risk habitats	<p>Any of the following activities within an at-risk habitat*:</p> <ul style="list-style-type: none"> (a) vegetation clearance* (b) land disturbance* (c) discharges of contaminants into water, or into or onto land (d) diversions of water. <p>This rule does not apply to the activities described in subsections (a) to (d) in circumstances where:</p> <ul style="list-style-type: none"> (e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or (f) they are carried out for the purposes of protecting or enhancing an at-risk habitat*, or (g) they are classified as a discretionary, non-complying or prohibited activity under another rule <p>in which case the other rules of this Plan relevant to the activities apply.</p>	Discretionary		
12-8	Any of the following activities within a rare or threatened habitat*:	Non-complying		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>Activities within rare and threatened habitats including wetlands</p>	<p>(a) vegetation clearance* (b) land disturbance* (c) discharges of contaminants into water, or into or onto land (d) diversions of water, including for the purpose of wetland drainage. This rule does not apply to the activities described in subsections (a) to (d) in circumstances where: (e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or (f) they are carried out for the purposes of protecting or enhancing a rare or threatened habitat*, or (g) they are classified as a non-complying or prohibited activity under another rule in which case the other rules of this Plan relevant to the activities apply.</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>12-1 Large-scale land disturbance*, including earthworks</p>	<p>Except as regulated by Rules 12-4 and 12-6, any <i>land disturbance*</i> pursuant to s9(3) RMA of a total area greater than 2500 m² per <i>property*</i> per 12-month period and any ancillary:</p> <p>(a) <i>diversion of water^</i> pursuant to s14(1) RMA on the <i>land^</i> where the <i>land disturbance*</i> is undertaken, or</p> <p>(b) <i>discharge^</i> of sediment into <i>water^</i> pursuant to s15(1) RMA resulting from the <i>land disturbance*</i>.</p>	<p>Permitted</p>	<p>(a) <i>The activity must not take place on land^ that is within a coastal foredune*</i>.</p> <p>(b) <i>The activity must be undertaken in accordance with an Erosion and Sediment Control Plan* which must be submitted to the Regional Council upon request.</i></p> <p>(c) <i>The Regional Council must be notified at least 48 hours prior to the activity commencing.</i></p>	
<p>12-2 Forestry*</p>	<p>Except as regulated by Rule 12-6, any <i>forestry*</i> pursuant to s9(2) RMA, and any ancillary:</p> <p>(a) <i>disturbance of the bed^ of a river^ or lake^ pursuant to s13(1) RMA by forestry*, or</i></p> <p>(b) <i>diversion of water^ pursuant to s14(1) RMA on the land^ (but not within a river^) where the forestry* is undertaken, or</i></p> <p>(c) <i>discharge^ of sediment or slash* into water^ pursuant to s15(1) RMA resulting from the forestry*.</i></p>	<p>Permitted</p>	<p>(a) <i>The activity must not take place on land^ that is within a coastal foredune*</i>.</p> <p>(b) <i>Any planting or replanting of forestry* trees must not occur on land^ that is in, or within 5 m of:</i></p> <p>(i) <i>the bed^ of a river^ that is permanently flowing or has an active bed* width greater than 2 m</i></p> <p>(ii) <i>the bed^ of a lake^</i></p> <p>(iii) <i>a rare habitat*, threatened habitat* or at-risk habitat*.</i></p> <p>(c) <i>If any rare habitat*, threatened habitat* or at-risk habitat* is present within or within 5 m of an area of forestry* prior to undertaking harvesting an operational plan* must be prepared and submitted to the Regional Council and the operational plan* must be complied with.</i></p> <p>(d) <i>Any area of forestry* that is harvested (other than firebreaks, tracks*, landing sites* or areas in (a) and (b)) must be planted or replanted to protect from erosion as soon as practicable and no later than 18 months from the date of the harvesting, unless the area is left to revegetate naturally.</i></p> <p>(e) <i>Water^ run-off controls must be installed and maintained for tracks* and landing sites*.</i></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<ul style="list-style-type: none"> (f) <u>Batters, cuts and side castings must be established by methods that prevent slumping.</u> (g) <u>Vegetation must be felled away from any area listed in (b), other than where this would endanger the health and safety of workers.</u> (h) <u>Felled vegetation must not be dragged through any water body[^] or area listed in (b), other than where this is necessary to avoid endangering the health and safety of workers.</u> (i) <u>Harvesting must be planned and carried out so as to minimise the amount of slash* entering any area listed in (b).</u> (j) <u>Slash* must be removed from within areas listed in (b)(i) where it is blocking river[^] flow, or is diverting river[^] flow and causing bank erosion.</u> (k) <u>Slash* associated with landing sites* and processing sites* must be placed on stable ground and managed to avoid it falling down any slope.</u> (l) <u>The activity must be undertaken in accordance with an Erosion and Sediment Control Plan* which must be submitted to the Regional Council upon request.</u> 	
<p>12-3 <u>Cultivation*</u></p>	<p><u>Except as regulated by Rule 12-6, any cultivation* pursuant to s9(2) RMA within 5 m of:</u></p> <ul style="list-style-type: none"> (a) <u>the bed[^] of a river[^] that is permanently flowing or has an active bed* width greater than 2 m, or</u> (b) <u>the bed[^] of a lake[^], or</u> (c) <u>a wetland[^]</u> <p><u>and any ancillary:</u></p> <ul style="list-style-type: none"> (d) <u>diversion of water[^] pursuant to s14(1) RMA on the land[^] where the cultivation* is undertaken, or</u> 	<p>Permitted</p>	<ul style="list-style-type: none"> (a) <u>The activity must not take place on land[^] that is within a coastal foredune*.</u> (b) <u>Bunding, silt traps, interception drains or other alternative methods to minimise sediment run-off to water[^] must be installed prior to and maintained during cultivation*.</u> <p>Advice Note:</p> <p><u>Examples of alternative methods for minimising sediment run-off can be found in the Code of Practice for Commercial Vegetable Growing in the Horizons Region (Horticulture New Zealand).</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(e) <u>discharge</u>[^] of sediment into <u>water</u>[^] pursuant to s15(1) RMA resulting from the <u>cultivation</u>[*] or the use of <u>bunding, silt traps, interception drains</u> or other alternative methods to minimise sediment run-off into <u>water</u>[^].</p>			
<p>12-4 <u>Specified vegetation clearance* and land disturbance* in a Hill Country Erosion Management Area*</u></p>	<p>Except as regulated by Rule 12-6, any <u>vegetation clearance</u>[*] or <u>land disturbance</u>[*] pursuant to s9(2) RMA undertaken within a <u>Hill Country Erosion Management Area</u>[*]:</p> <p>(a) <u>within 5 m of the bed</u>[^] of a <u>river</u>[^] that is permanently flowing or has an <u>active bed</u>[*] width greater than 2 m, or</p> <p>(b) <u>within 5 m of the bed</u>[^] of a <u>lake</u>[^], or</p> <p>(c) <u>5 m of a wetland</u>[^], or</p> <p>(d) <u>involving the clearance of 1 ha or greater per property</u>[*] per 12-month period of <u>woody vegetation</u>[*] where the <u>canopy</u>[*] cover of <u>woody vegetation</u>[*] in the area to be cleared is greater than 70%, or</p> <p>(e) <u>involving new tracking</u>[*] and any ancillary:</p> <p>(f) <u>diversion of water</u>[^] pursuant to s14(1) RMA on the <u>land</u>[^] where the <u>vegetation clearance</u>[*] or <u>land disturbance</u>[*] is undertaken, or</p> <p>(g) <u>discharge</u>[^] of sediment into <u>water</u>[^] pursuant to s15(1) RMA resulting from the <u>vegetation clearance</u>[*] or <u>land disturbance</u>[*].</p>	<p>Restricted Discretionary</p>	<p>(a) <u>The activity must not take place on land</u>[^] that is within a <u>coastal foredune</u>[*].</p>	<p>Discretion is restricted to:</p> <p>(a) <u>the location, nature, scale, timing and duration of the activity</u></p> <p>(b) <u>effects</u>[^] of the activity and associated <u>sediment run-off on soil conservation, surface water</u>[^] quality and aquatic ecology</p> <p>(c) <u>the principles and erosion and sediment control measures set out in Chapters 3-9 of the Erosion and Sediment Control Guidelines for the Wellington Region (September 2002)</u></p> <p>(d) <u>duration of consent and review of consent conditions</u>[^]</p> <p>(e) <u>compliance monitoring.</u></p> <p><u>Resource consent</u>[^] applications under this <u>rule</u>[^] will not be notified and written approval of affected persons will not be required (<u>notice of applications need not be served</u>[^] on affected persons).</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>12-5 <u>Vegetation clearance*, land disturbance*, cultivation* or forestry* that does not comply with Rules 12-1 to 12-4</u></p>	<p>Except as regulated by Rule 12-6, any <u>vegetation clearance*</u>, <u>land disturbance*</u>, <u>cultivation*</u> or <u>forestry*</u> pursuant to s9(2) RMA that does not meet the <u>conditions^</u>, standards or terms of Rules 12-1, 12-2, 12-3 or 12-4 and any ancillary:</p> <p>(a) <u>disturbance of the bed^ of a river^ or lake^ by forestry* authorised by those rules^ pursuant to s13(1) RMA</u></p> <p>(b) <u>diversion of water^ authorised by those rules^ pursuant to s14(1) RMA, or</u></p> <p>(c) <u>discharge^ of sediment or slash* authorised by those rules^ pursuant to s15(1) RMA.</u></p>	<p>Discretionary</p>		
<p>12-6 <u>Some activities within rare habitats*, threatened habitats* and at-risk habitats*</u></p>	<p>Except as regulated by Rules 13-2, 13-10, 13-22, 15-5B, 15-9, 16-3, 16-5, 16-6, 16-8 in relation to any existing small dam <u>structure^</u>, 16-13 and 16-14, any of the following activities within a <u>rare habitat*</u>, <u>threatened habitat*</u> or <u>at-risk habitat*</u>:</p> <p>(a) <u>vegetation clearance*, land disturbance* or cultivation* pursuant to s9(2) RMA</u></p> <p>(b) <u>forestry* pursuant to s9(2) RMA that does not meet condition^, standard or term of Rule 12-2 (b)(iii) or (c)</u></p> <p>(c) <u>the drilling, construction or alteration of any bore* pursuant to s9(2) RMA</u></p> <p>(d) <u>activities restricted by s13(1) or s13(2) RMA in the beds^ of rivers^ or lakes^</u></p> <p>(e) <u>the taking, using, damming or</u></p>	<p>Discretionary</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><u>diverting of water[^] pursuant to s14(2) RMA</u></p> <p>(f) <u>discharge[^] of water[^] or contaminants[^] into water[^] or onto or into land[^] pursuant to s15(1) or s15(2A) RMA.</u></p>			

