BEFORE THE ENVIRONMENT COURT

In the matter of	appeals under clause 14 of the First Schedule to the Resource Management Act 1991 concerning proposed One Plan for the Manawatu-Wanganui region.
between	**FEDERATED FARMERS OF NEW ZEALAND** **ENV-2010-WLG-000148**
and	**MERIDIAN ENERGY LTD** **ENV-2010-WLG-000149**
and	**MINISTER OF CONSERVATION** **ENV-2010-WLG-000150**
and	**PROPERTY RIGHTS IN NEW ZEALAND** **ENV-2010-WLG-000152**
and	**HORTICULTURE NEW ZEALAND** **ENV 2010-WLG-000155**
and	**WELLINGTON FISH & GAME COUNCIL** **ENV-2010-WLG-000157** *Appellants*
and	**MANAWATU-WANGANUI REGIONAL COUNCIL** *Respondent*

EVIDENCE IN REPLY FROM PHILLIP HINDRUP ON THE TOPIC OF SUSTAINABLE LAND USE AND ACCELERATED EROSION ON BEHALF OF MANAWATU-WANGANUI REGIONAL COUNCIL

Dated: 2nd April 2012

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EVIDENCE IN REPLY FROM PHILLIP HINDRUP ON THE TOPIC OF SUSTAINABLE LAND USE AND ACCELERATED EROSION ON BEHALF OF MANAWATU-WANGANUI REGIONAL COUNCIL

Introduction

Qualifications and experience

1. My name is Phillip John Hindrup and I am a Senior Consents Planner at Manawatu-Wanganui Regional Council (MWRC). My qualifications and experience are set out in my statement of evidence to the Court dated 31 January 2012.

Planner Conferencing on the Topic of Sustainable Land Use and Accelerated Erosion

2. On 13 March 2012 the planners for Federated Farmers, Fish & Game NZ, Horticulture NZ and I met. A record of the conferencing statement was provided to the Court on 27 March 2012. There was general agreement amongst the planners on a number of matters. The remaining areas of disagreement are:

   (a) The desirability to link the objectives and policies of Chapter 5 with Chapter 6 - Water - through cross-referencing.

   (b) Whether the appropriate setback distance of activities from certain water bodies (i.e. rivers and lakes) as a trigger for resource consent should be 5 m or something higher or something else.

   (c) Whether the Horticulture NZ Code of Practice for Commercial Vegetable Growing in the Horizons Region should be a performance standard of the permitted activity rule for cultivation, or whether it should be referred to in an advice note.

   (d) Whether compliance with the Schedule D water clarity standard/numeric should be a performance standard of the permitted activity rule for cultivation.

   (e) Whether cultivation on steep land should require resource consent through Rule 12-4.

(f) Whether the appropriate area threshold for land disturbance on flat land as a permitted activity should be 2500 m^2 or something else.

3. I provide comment on each of these matters and in doing so I have considered the 1st and 2nd rounds of technical conferencing and the statements sent to the Court on 15th February 2012 and 12th March 2012.

4. I also discuss a proposed change from an agreed position in the Conferencing Statement concerning Policy 5-2A and the reason for this.

Areas of disagreement between planners

Chapter 5 Objectives and Policies linkage to Chapter 6

5. In Phillip Percy's Statement of Evidence in Chief[1] it was proposed to link Objectives 5-1 and 5-2 directly to the Chapter 6 water quality standards/numerics.[2] I acknowledge that there is a relationship between Chapters 5 and 6 in that the purpose of managing accelerated erosion is primarily to minimise sediment from entering water to protect its quality, and protection of water quality is precisely the function of the water chapter of POP.

6. The Sustainable Land Use Initiative programme referred to in Objective 5-1 is a non-regulatory approach to managing hill country erosion and will not immediately result in enhancement of water quality that will achieve the standards/numerics as required by the objectives and policies of Chapter 6. SLUI is a long-term programme and the true benefits of this will not be realised until the roll-out has been achieved. I would be concerned about linking these objectives to policy that was not drafted to address the particular issues relating to accelerated erosion and the practical difficulties and necessary management approaches associated with addressing that issue. I do not consider direct linkages between the Chapter 5 and 6 objectives and policies to be appropriate. I instead prefer wording be inserted into the relevant Chapter 5 objectives recognising that the water quality will be maintained and enhanced over time as a result of the minimising accelerated erosion.

[1] Para. 25, p. 8.
[2] See Appendix 1 proposed wording.

Appropriate set back distance for activities undertaken adjacent to a water body

7. Disagreement amongst the planning experts remains around the appropriate setback distance from a water body as a performance standard for the relevant permitted activity rules. The two distances that have been debated are a 5 m setback and a 10 m setback from rivers and lakes. The planning experts agreed that 10 m is an appropriate setback from more sensitive water bodies.

8. The evidence of Drs Quinn and Death reference a number of studies on the effectiveness of riparian margins. They agree that there are a number of factors that contribute to an effective margin. For the reasons stated in paragraph 63 of my Statement of Evidence in Chief, I still consider a 5 m width appropriate and reasonable. While there is a basis for extending this distance to 10 m to offer a greater level of protection, there is a question of what is reasonable to strike a balance between maximising land use potential and offering the necessary environmental safeguards. I consider a setback of 5 m best achieves this balance.

Performance Standards for Cultivation Permitted Activity Rule

9. There remains disagreement around the permitted activity rule performance standards for cultivation. This disagreement focuses on whether to include as a performance standard a requirement to comply with the Horticulture NZ Code of Practice for Commercial Vegetable Growing in the Horizons Region (COP), and whether to have a requirement to comply with the Schedule D visual quality standard/numerics set out in the One Plan.

10. Dealing first with the COP, I consider it appropriate to have this as a performance standard. Having read the COP, I consider it provides useful and essential management practices for ensuring erosion is minimised on cultivated land. It is a proactive management tool to get the landowner thinking about how to manage the potential effects of their activity. It also allows for easy monitoring by Council's Environmental Protection Officers should a complaint be received. The requirement to have undertaken a paddock assessment prior to the activity can be easily ascertained on providing a copy. I consider that the inclusion of this document as a performance condition gives effect to Policy 5-5 POP which says *"The Regional Council must… recognise appropriately developed and administered codes of practice, standards, guidelines or environmental management plans targeted at*

achieving sustainable land use, and incorporate them within the regulatory framework where applicable."

11. I acknowledge the concerns of the technical experts expressed in the record of technical conferencing of March 2012 in which the limitations of the COP were noted. I consider that inclusion of the COP is appropriate through the POP process, and that any limitations with the COP can be addressed on an on-going basis through consultation with the industry.

12. Regarding the Schedule D performance condition (requiring compliance with the Schedule D visual clarity numeric), experts from Horticulture NZ and Federated Farmers have raised concerns about its practicalities and enforceability. Such a performance condition is about providing a mechanism to ensure that, if there is an effect, the activity can be made to cease so that either a consent can be obtained or necessary mitigations put in place to achieve compliance. It is a final safeguard against adverse effects and is measurable. The use of such a condition on its own would in my view not afford the necessary level of protection to the environment as the effects would have already happened. However, the condition in unison with other performance conditions such as undertaking a paddock assessment, which is a management practice undertaken prior to commencement of the activity, is a holistic approach to managing the potential effects of cultivation.

13. It may be that over time, reliance on the COP and other minimisation methods may indeed adequately address the effects of sedimentation in waterways caused by cultivation, however given the technical experts' concerns in relation to the COP I consider that this performance standard is a necessary, enforceable and measureable boundary of effects for the permitted activity rule.

Cultivation on Steep Land

14. Mr Percy in his Statement of Evidence in Chief [3] states:

> *On Steeper land, the risks of erosion and sediment discharge as a result of cultivation are significantly increased because of slope. Mr Eyles in his evidence observes that cultivation on steep hill country is unlikely to occur regularly but may occur every few years for the purposes of regressing and*

[3] Para. 189 p. 60

for fodder crops. However My Eyles also considers that a precautionary approach should be adopted in relation to managing the effects of cultivation in hill country because of the high potential for erosion and sediment discharge to water bodies. Based on the evidence in relation to this matter, it appears that the potential for erosion and sediment discharges from cultivation in hill country areas are similar to other land disturbance activities. The introduction of slope adds a significant risk factor that amplifies the erosive effects of overland flow during rain events.

15. The experts in the technical caucusing statement[4] have acknowledged that, if managed appropriately, cultivation on steep land could have significant benefits with limited risks, but if not managed properly can have significant risks. However there has been little discussion in evidence as to how common this activity is. Mr Eyles has acknowledged that it is unlikely to occur regularly and Mr Kirk[5] has concluded that the practice was previously believed to be uneconomic. He does acknowledge that it is becoming more common, however has not provided any facts or figures to show how common it is or could be.

16. Based on the evidence I have reviewed I remain of the view that the risks posed by cultivation on steep land is not great enough that it should be subject to a restricted discretionary classification.

Area threshold for Land Disturbance as a permitted activity

17. In my view the question to be answered is what area threshold is reasonable to allow land disturbance on flat land without consent while ensuring that the potential risk of adverse effects is avoided, remedied or mitigated. In my Statement of Evidence in Chief I recommend a permitted activity rule for land disturbance with an area threshold of 2500m^2. I provide some basis for this threshold in paragraphs 93 and 94[6] of my evidence. I note that the 2,500m^2 was the threshold considered appropriate to define large scale land disturbance by the hearing panel in DV POP.

18. The technical conferencing statement has provided some further basis on an appropriate area threshold for land disturbance as a permitted activity. It was

[4] March 9 2012 , point 14
[5] Statement of Technical Evidence , January 31 2012, para. 16-17, p. 4.
[6] P. 27

agreed in the 12 February 2012 statement that the less than 2500 m^2/property/year threshold is appropriate to define small scale earthworks. It was also recorded that Russell Death, Garth Eyles and Norm Ngapo agree that large scale land disturbance (assumed to be over 2500 m^2/property/year given the previous statements) has the potential to cause significant adverse environmental effects.

19. Although I accept the technical evidence on this point and agree to 2500m^2, I acknowledge that a larger threshold may be more appropriate if the evidence demonstrates that it captures a number of activities which pose no risk of causing adverse effects. I accept there is a risk that a number of smaller activities may be captured by this rule and need a resource consent. It is difficult to know just how many activities that are of this scale will be captured where there is little to no risk of effects. Additional information could justify the increase of the threshold to perhaps 5000 m^2.

Policy 5-2A

20. Point 7 of the Expert Planning Conferencing Statement[7] records that all parties agree with the proposed wording set out in the last statement of Phillip Percy's evidence (his proposed provisions). Since the planning conferencing I have revisited this policy and would like to record that I now have a contrary view.

21. The reason for my change of opinion is that the purpose of Policy 5-2A is to generally identify how various activities must or may be regulated in the regional and district contexts. Certain applications for consent will be treated as permitted activities with performance standards or will be required to obtain consent by default. I am not comfortable with the level of detail and the prescriptive nature of the wording presented by Mr Percy. In my view the level of detail suggested by Mr Percy is better achieved through Policy 12-1 in the Regional Plan portion of POP. I also consider that it is inappropriate to provide that higher degree of policy guidance for just one land use activity, whereas, for example, the same avoidance policy is not in place for significant effects associated with land use activities on hill country areas which have a higher potential scale of effects.

[7] March 26 2012.

Phillip Hindrup
SENIOR CONSENTS PLANNER

Appendix 1

Agreed provisions after caucusing for Chapters 5 and 12

5 Land

5.1 Scope and Background

Land management issues stem mainly from the effects of human activities on land. Erosion is a naturally occuring process which can contribute sediment to water bodies, but it can also be exacerabted by human activities. This chapter focuses on the impacts of human activity and accelerated erosion. Potential for adverse environmental effects depends upon two factors: the capability of the land and soil to support particular uses and the effects of a given activity on different land and soil types. Mismanagement of the land resource has major implications for water quality and aquatic biological diversity in terms of sediment and nutrient inputs. These implications stem from the very strong links that exist between the land and water resources.

Agriculture, particularly pasture-based farming, is the foundation of the Region's economy and is one of the key elements that has defined the Region's social and visual landscape. However, in some areas, past and present agricultural practices have damaged the very resource upon which the agricultural sector is based – the land and soil. Future land management practices have the potential to increase the rate of damage if they do not take the natural limitations of the land into account.

5.1.1 Chapter Content

This chapter covers *accelerated erosion**, including the management of *vegetation clearance**, *land disturbance**, *forestry** and *cultivation**.

Activities related to land management which are covered in other chapters include:

(a) discharges of *agrichemicals**, agricultural *wastes** and other contaminants onto or into land, addressed in Chapter 6

(b) activities involving the beds of rivers and lakes, addressed in Chapter 6

(c) clearance of indigenous vegetation and drainage of significant wetlands, addressed in Chapter 7.

5.1.2 *Accelerated Erosion**

*Accelerated erosion** is often caused by historical and current clearance of *woody vegetation** and earthworks such as tracking, particularly on *land use capability classes** VII and VIII land. The Region has approximately 274,000 ha of hill country land at risk of moderate-severe erosion (Figure 5.1A), 116,000 ha of which were affected by the storms of 2004. Approximately 200 million tonnes of soil was eroded during the February 2004 storm, causing approximately 30 million tonnes of sediment to enter the Region's rivers. The sediment discharged by rivers in the Region during this single storm event was likely to be several times the average annual sediment discharge for the Region.

The Region's western coast, particularly the foredune and associated inland soils, is easily eroded when the protective vegetation cover is removed as part of coastal development, and as a consequence of activities such as land recontouring and vehicle movement. *Vegetation clearance** and *land disturbance** expose these fragile soils to wind erosion.

The present extent of erosion has occurred despite the work by catchment boards and other individuals and organisations to manage soil erosion since the 1940s. Where these activities brought about meaningful land use change, the results have been successful in decreasing erosion rates. For instance, in steep hill country, tree cover has reduced erosion rates by approximately 75% when compared with grass. However, the size and scale of the erosion issue is such that to date no agency has been able to deal with all erosion-prone land. Further, in some areas, large-scale land use changes are likely to be required, to which there is understandable landowner resistance.

*Accelerated erosion** can cause a number of on-site and off-site impacts:

(a) to the landowner – loss of soil and productive capability, reduced stock-carrying capacity, impacts on property and assets such as *tracks**, fences and buildings, and the costs of carrying out repairs

(b) to the environment – reduced water quality in terms of nutrient loads (much of the phosphate load in water is the result of sediment run-off), reduced water clarity, and major impacts on instream life

(c) to others in the Region – damage to infrastructure and loss of flood protection to lowland communities as river beds within river and drainage schemes fill up with silt.

Soils that are damaged by slipping take a very long time to recover. Studies have shown it can take in the order of 20 years to regain 80% of pre-erosion productivity levels, and more than 100 years to achieve near-full recovery. Some soil types may never fully recover. Efforts to maintain farm productivity on land that has been affected by slipping generally increase pressure on less damaged parts of the *property**, thereby increasing the likelihood of further erosion and the loss of nutrients from increased *fertiliser** use.

Disturbed sandy soils can take many years to revegetate and stabilise naturally. In the interim, large quantities of sand can be eroded by the wind, threatening buildings and property and causing the inundation of productive land.

In addition to the damage that can be caused to the Region's fragile land types and soils discussed above, erosion rates and sediment run-off from other parts of the Region can be increased through activities that involve significant *vegetation clearance** and *land disturbance**. Such activities are typically involved with major infrastructure development (for example, road construction and upgrades or energy projects such as windfarm development), land development (such as new residential or industrial subdivisions on the edge of urban centres or recontouring of land associated with dairy conversions or intensification), or aggregate extraction (for example, gravel pits or quarries).

Insufficient attention to batter slopes, stormwater management, fill compaction, overburden containment, debris clearance and revegetation can significantly increase sediment loads in adjoining streams or sediment discharges onto neighbouring properties.

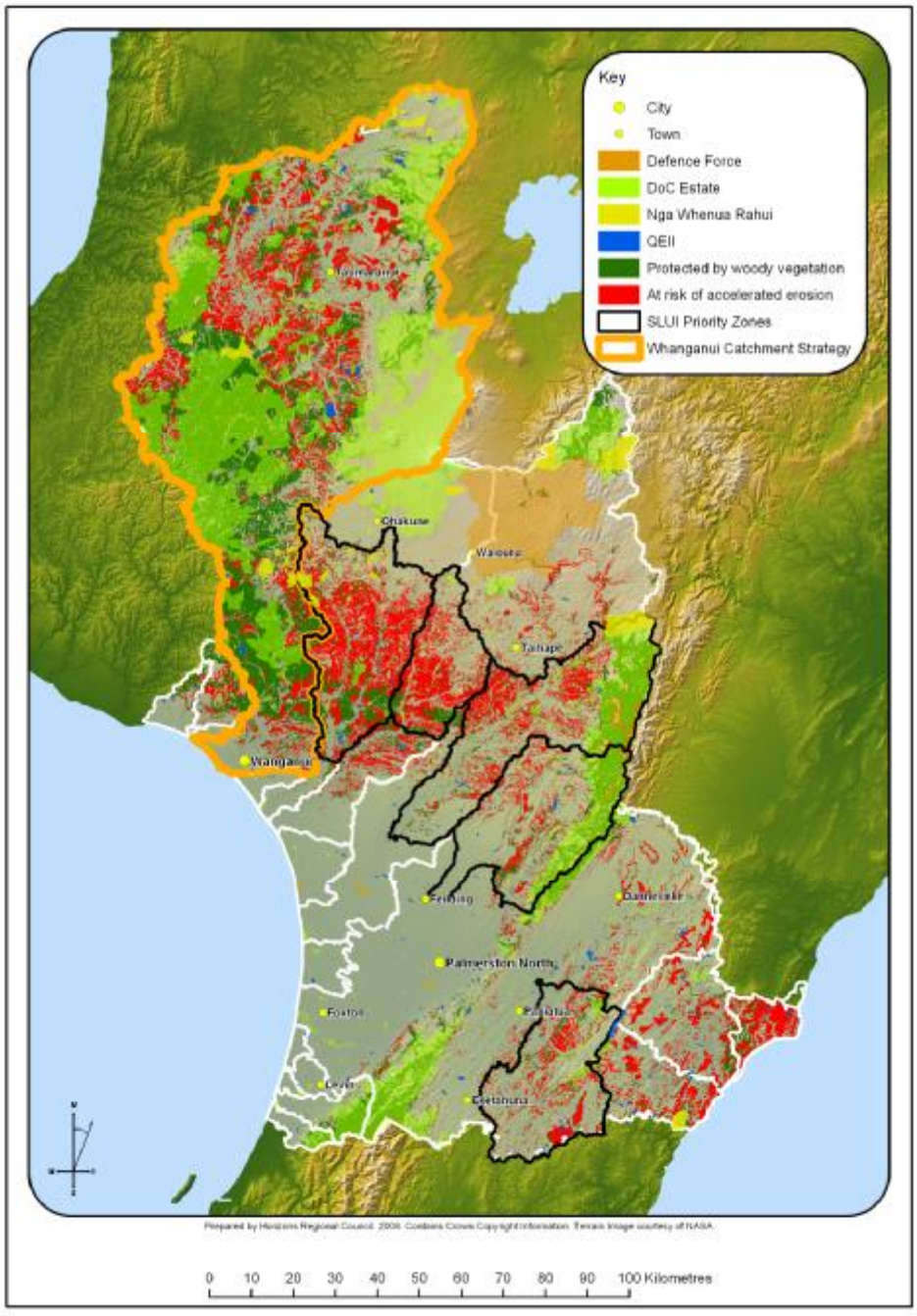

Figure 5.1A Distribution of hill country land subject to an elevated risk of *accelerated erosion**

5.1.3 Land and Soil Management

This section focuses on reducing *accelerated erosion**.

The Regional Council's focus continues to be largely non-regulatory, with the Council's Sustainable Land Use Initiative and Whanganui Catchment Strategy programmes being critical components of this approach.

The Regional Council's regulatory focus for land centres on protecting the stability of the Region's soil and maintaining or enhancing water quality.

This regulatory focus recognises that under s9(2) of the RMA, the use of land can occur as of right unless a rule in a plan states otherwise. Therefore, the Regional Council does not require rules allowing the use of land unless it wishes to control the way in which that use of land occurs.

Under this Plan, the majority of activities involving the use of land can continue to occur as of right provided they are not within a *rare habitat**, *threatened habitat** or *at-risk habitat**. However, ~~three~~ four specific activities can only continue to be undertaken without the need for a resource consent if conditions are met. These activities are:

(a) ~~large scale~~ *land disturbance**, including earthworks,

(b) *forestry**,

(c) *cultivation** occurring adjacent to certain water bodies, and

~~(c)~~(d) *vegetation clearance**

These activities are permitted by Rules 12-1A, 12-2, ~~and~~ 12-3 and 12-4 A respectively.

Vegetation clearance * and *land disturbance** require a resource consent if they are undertaken adjacent to some water bodies in *Hill Country Erosion Management Areas** or *coastal foredune** areas subject to an elevated risk of *accelerated erosion**. Removal of some *woody vegetation** and the construction of *new tracking** anywhere in those elevated risk areas also requires a resource consent. These specific activities are the subject of Rule 12-4.

Comment [PH1]: This section needs to be reviewed once the regulatory framework is determined. Refer causing statement Pt 25.

5.2 Significant Resource Management Issues

Issue 5-1: *Accelerated erosion**

(a) **Farming and other land uses in hill country**
Some aspects of current farming and other land use practices in the Region's hill country and adjacent to water bodies are unsustainable. Where *vegetation clearance**, *cultivation** roading, tracking or other types of *land disturbance** (including filling) are carried out in hill country or adjacent to water bodies, there is potential to destabilise slopes, causing *accelerated erosion**. *Accelerated erosion** is often causing:

(i) a significant reduction in the productive capability of land

(ii) increased sediment loads in water bodies which are reducing water quality, smothering aquatic ecosystems, infilling rivers, lakes and estuaries, and increasing flood risk to lowland communities

(iii) land stability hazards, particularly in steep hill country, which threaten people, buildings and infrastructure.

(b) ***Coastal foredune****
Vegetation and soil disturbance associated with vehicle movement, tracking, coastal protection works and land recontouring have the potential to destabilise fragile *coastal foredunes** if not well managed.

(c) **Large-scale *land disturbance**** **including earthworks**
Most other land use activities are not of a sufficient scale to have significant regional adverse effects. However, large-scale earthworks related to urban expansion and other development can have significant adverse effects on water bodies if sediment from these earthworks is poorly managed. Large scale land disturbance activities can also destabilise sandy soils in coastal areas which can cause significant adverse effects associated with wind-blown sand.

(d) ***Forestry****
*Forestry** is considered to be a generally beneficial land use in the Region's hill country due to its ability to facilitate the long-term stabilisation of land subject to an elevated risk of *accelerated erosion**. However, *forestry** needs to be prudently managed, in a manner consistent with industry best practice, to ensure that sustainable land use is realised and off-site adverse effects are minimised.

(e) ***Cultivation****
*Cultivation** does not generally cause soil erosion problems within the Region. However, the potential for increased sediment loads to water bodies can increase as the slope of the land being cultivated increases and when undertaken adjacent to water bodies. Therefore *cultivation** ~~and on sloping land~~ should be appropriately managed, including by the use of appropriate industry best practice sediment run-off control measures ~~are implemented.~~

5.3 Objectives

Objective 5-1: Managing *accelerated erosion**

By the year 2017, 50% of farms within hill country *land*^ subject to an elevated risk of *accelerated erosion** will have in place, or be in the process of putting in place, farm-wide sustainable *land*^ management practices to minimise *accelerated erosion** and result in reduced sedimentation of the *water bodies*^.or and to reduce sediment loads entering waterways as a result of accelerated erosion.

Whāinga 5-1: Te whakahaere horo whenua tere

Ā te tau 2017 kia 50% o ngā pāmu kei ngā puke teitei ka whai tūponotanga nui ka pāngia pea e te horo whenua tere kua whakarite kē – kei te whakarite rānei – i ētahi tikanga whakauka mō te whakahaere whenua kei te pāmu katoa hei whakaiti i te horo whenua tere.

Objective 5-2: Regulating potential causes of *accelerated erosion**

Land^ is used in a manner that ensures *accelerated erosion** and increased sedimentation in *water bodies*^ (with resultant adverse *effects*^ on people, buildings and *infrastructure*^) caused by *vegetation clearance**, *land disturbance**, *forestry**, or *cultivation** are avoided as far as reasonably practicable, or otherwise remedied or mitigated.,

Comment [PH2]: There has been disagreement over this wording and whether to have direct linkages to Chapter 6 (Conferencing point 7, disagreed column). While I consider there is a clear relationship between how land is managed and downstream water quality, I do not consider it necessary to have direct reference to Chapter 6 in these objectives and policies. The RPS will still provide an effective framework to holistically manage these activities.

Whāinga 5-2: Te whakahaere pitomata e takea mai ai horo whenua tere

Ka whakamahia te whenua kia hua ai te horo whenua tere, ā, ka piki haere te parahanga ā-matū i roto i ngā wai (me te hua ko ngā pānga kino ki te tangata, ngā whare, me ngā kaupapa o raro) nā te whakapara tupu, te raweke whenua, te mahi rākau, te mahi māra – i ngā wā e tika ana ka parea, ka whakapaingia rānei, ka whakamemehatia rānei ēnei.

5.4 Policies

Policy 5-1: Encouraging and supporting sustainable *land*^ management

The Regional Council will encourage and support the adoption of sustainable *land*^ management practices by:

(a) working with relevant owners and occupiers of farms within hill country *land*^ subject to an elevated risk of *accelerated erosion** to prepare voluntary management plans under the Council's Sustainable Land Use Initiative or Whanganui Catchment Strategy, which identify sustainable *land*^ management practices for each farm and work programmes for implementing any agreed changes,

(b) monitoring the implementation of voluntary management plans and sustainable *land*^ management practices within hill country *land*^ subject to an elevated risk of *accelerated erosion** and reporting this information on a two-yearly basis, and reviewing the effectiveness of the sustainable land management practices, and

(c) responding to requests from owners or occupiers of *land*^ that is not within hill country *land*^ subject to an elevated risk of *accelerated erosion** to prepare a management plan, provided this does not impede the achievement of (a).

Policy 5-2A: Regulation of *land*^ use activities

(a) The Regional Council must regulate *vegetation clearance**, *land disturbance**, *forestry** and *cultivation** through *rules*^ in this Plan and decisions on *resource consents*^, in order to achieve Objective 5-2.

(b) *Territorial Authorities*^ may regulate, through *rules*^ in *district plans*^ and decisions on *resource consents*^, the actual or potential *effects*^ of the use, development, or protection of *land*^, in order to achieve Objective 5-2. However, *Territorial Authorities*^ must not have *rules*^ that are contradictory to the *rules*^ in this Plan that control the use of *land*^.

(c) The Regional Council will generally allow *vegetation clearance** small scale *land disturbance**, *forestry** and *cultivation** to be undertaken without the need for a *resource consent*^ if *conditions*^ are met. *Vegetation clearance** *cultivation** and *land disturbance** require a *resource consent*^ if they are undertaken adjacent to some *water bodies*^ (including certain *wetlands*^), in *Hill Country Erosion Management Areas** *(except for cultivation*)* or in *coastal foredune** areas. Large scale land disturbance activities ~~Removal of some *woody vegetation** and the formation of *new tracking** in *Hill Country Erosion Management Areas** also require a *resource consent*^.

Comment [PH3]: This paragraph will need to accurately reflect the final rule stream in Chapter 12. Also I do not consider the purpose of this policy to provide guidance as to how certain applications for consent will be treated. This is the purpose of Policy 12-1. I consider the purpose of policy 5-2A to merely describe how certain activities are regulated. This is a different position to one I put forward in the Planning conferencing statement (point 7, 7th paragraph agreed column)

Policy 5-5: Supporting codes of practice, standards, guidelines, environmental management plans and providing information on best management practices

The Regional Council must, and *Territorial Authorities*^ may:

(a) support the development of codes of practice, standards, guidelines and other sector-based initiatives targeted at achieving sustainable *land*^ use,

(b) recognise appropriately developed and administered codes of practice, standards, guidelines or environmental management plans targeted at achieving sustainable *land*^ use, and incorporate them within the regulatory framework where applicable, and

(c) make information describing best management practices for reducing erosion and maintaining *water*^ quality and soil health available to all relevant landowners, occupiers, asset owners, consultants, developers and contractors.

5.5 Methods

Managing activities on land is a mix of regulatory and non-regulatory approaches. Part II of this Plan contains regional rules relating to the activities described in this chapter.

Method 5-1	Sustainable Land Use Initiative – Hill Country Erosion
Description	The aim of this method is to reduce hill country *accelerated erosion**. While the emphasis will be on hill country, all land at risk of erosion will be eligible for assistance under this programme. Staff from the Regional Council and other agencies will work with landowners and occupiers to develop voluntary management plans. These plans will provide the blueprint for long-term environmental, economic and social sustainability. Research, publicity, education, information, incentives, joint ventures and land purchase will be used to encourage the landowner or occupier to manage their land in a sustainable manner.
Who	Regional Council, central government, Territorial Authorities, Crown Research Institutes, landowners or occupiers, recognised organisations representing farmers, and farm consultants.
Links to Policy	This method implements Policy 5-1.
Targets	50% of properties within hill country land subject to an elevated risk of *accelerated erosion** will have a voluntary management plan in place by 2017.

Method 5-2	Whanganui Catchment Strategy
Description	The aim of this method is to reduce hill country *accelerated erosion** within the Whanganui catchment. Whilst the emphasis will be on hill country land subject to an elevated risk of *accelerated erosion**, all land at risk of erosion within the catchment will be eligible for assistance under this programme. Staff from the Regional Council and consultants will work with landowners and occupiers to develop management plans. These plans will provide the blueprint for long-term environmental, economic and social sustainability. Research, publicity, education, information and incentives will be used to encourage the landowner or occupier to manage their land in a sustainable manner. The Whanganui Catchment method is a pilot for the much larger

Method 5-2	Whanganui Catchment Strategy
	Sustainable Land Use Initiative – Hill Country Erosion method (Method 5-1). Eventually, the Whanganui Catchment Strategy method will be integrated with this method.
Who	Regional Council, Ruapehu and Wanganui District Councils, landowners or occupiers, relevant *hapū** and *iwi**, the Whanganui River Enhancement Trust, Department of Conservation, recognised organisations representing farmers and farm consultants.
Links to Policy	This method implements Policy 5-1.
Targets	50% of properties within hill country land subject to an elevated risk of *accelerated erosion** in the Whanganui Catchment will have a voluntary management plan in place by 2015.

Method 5-3	Soil Health
Description	The aim of this method is to reduce the impact of horticulture, cropping and intensive farming activities on soil health, and the consequent off-site environmental impacts. Education on best management practices will be made available to landowners through a variety of means to encourage the adoption of sustainable land use practices. Research and monitoring will be used to identify and fine-tune best practice. This method includes the provision of advice and information to owners of land in the fragile sand country along the Region's west coast.
Who	Regional Council, landowners or occupiers, Landwise, Horticulture New Zealand, Federated Farmers, agricultural contractors, *fertiliser** companies and research institutes.
Links to Policy	This method implements Policy 5-5(c).
Targets	• All major croppers/horticulturists in the Region are operating under best management practice regimes by 2017. • All major agricultural contractors are operating under industry standards regimes by 2010. • All pasture-based farms are being managed in accordance with the relevant sector-based best management practice by the agreed target dates.

Method 5-4	Sustainable Land Use Codes of Practice and Best Management Practices
Description	This method will provide support for the development of codes of practice, best management practices and other sector-based initiatives for sustainable land use, construction, production and operating methods on all types of land within the Region – hill country, plains, sand country and along the coast. This method will also recognise, and where appropriate support, initiatives that raise awareness of sustainable land use. Examples include the monitor farm programme, sustainable farming and management funds, and Ballance Farm Environment Awards.
Who	Participation in this project is very much dependent upon approaches from industry and sector groups.
Links to Policy	This method implements Policy 5-5.
Targets	• All approaches for Regional Council assistance will be considered. • Where proposals are aligned with Regional Council objectives,

	assistance will be provided where possible.

Method 5-5	Land Research, Monitoring and Reporting Programme
Description	The aim of this method is to develop an integrated research, monitoring and reporting programme that supports delivery and refinement of existing policies and methods, guides implementation planning, and allows implementation effectiveness to be assessed. This will include a five-yearly assessment of the effectiveness of the above methods, particularly the Sustainable Land Use Initiative – Hill Country Erosion Method.
Who	Regional Council, landowners and occupiers, research institutes, universities, and non-government agencies and community groups.
Links to Policy	This method implements Policies 5-1, 5-2A and 5-5.
Target	A research, monitoring and reporting programme that supports delivery and refinement of existing policies and methods, and guides and assesses implementation.

Method 5-6	Infrastructure Protection
Description	The aim of this method is to reduce the erosion risk to, and caused by, the provision, *maintenance** or *upgrade** of infrastructure. Advice and information will be provided to infrastructure owners in the planning stages of new works, the carrying out of *maintenance** or *upgrade**, and protection of existing networks from erosion risks.
Who	Regional Council, Territorial Authorities and owners of major infrastructure.
Links to Policy	This method implements Policy 5-5.
Target	The Regional Council will have formed working partnerships with all major infrastructure owners for the purposes of assessing and identifying options to manage erosion risks.

Method 5-7	Education in Schools – Land
Description	The aim of this method is to implement a range of initiatives to raise awareness amongst the youth of the Region of the significance of the land and soil resource, the threats to it, and what they can do to protect/restore it. This will be achieved through various environmental education programmes/initiatives eg., Green RIG, Trees for Survival etc.
Who	Regional Council, national and local environmental education providers and youth organisations.
Links to Policy	This method implements Policy 5-5.
Targets	The Regional Council will develop and implement a land and soil related environmental education programme.

5.6 Anticipated Environmental Results

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
By 2017, there will be a net reduction in the adverse effects on water quality, people, buildings and infrastructure caused by accelerated erosion, and hill country and *coastal foredune** wind erosion in the Region. Advice Note: There are linkages from this AER to the AERs within s6.6	Policies 5-1, 5-2A, ~~and~~ 5-5, and 6-1, 6-2, 6-3 and 6-4	• Water quality monitoring results, especially for "muddy waterways" in the Whanganui and Rangitikei Rivers • Rate of deposition of sediment in coastal river reaches, focusing on the Whanganui, Rangitikei and Manawatu Rivers • Costs of storm damage • % of Region's land being used in accordance with sustainable use guidelines • Achievement of Schedule D targets for deposited sediment, visual clarity and Phosphorous • Changes to long-term mean sediment discharges of rivers to sea • % of farms within the SLUI priority catchments that have Whole Farm Business Plans in place and are being implemented.	• Regional Council's state of environment water quality monitoring programme • Regional Council's and Territorial Authorities' incidents databases • Regional Council's river bed level survey results • Regional Council's and Territorial Authorities' storm damage reports • Land use mapping • Regional Council's Sustainable Land Use Initiative monitoring and implementation reports

5.7 Explanations and Principal Reasons

Objectives for land management are presented in this Plan to encourage sustainable land use and minimise erosion. These focus on responding to the fact that 65% of the Region consists of gullies and hillsides subject to *accelerated erosion**. A target has been introduced into Objective 5-1 to ensure that the progress toward sustainable hill country land use can be measured. This is particularly important because the policy platform that underpins this objective is largely non-regulatory.

Policy 5-1 recognises that regulation is not the appropriate tool to encourage change toward sustainable land management practices. Instead it uses non-regulatory farm plans that contain a programme of works involving the landowner's active participation. Policy 5-1 and associated methods acknowledge that the achievement of sustainable farming practices on hill country land subject to an elevated risk of *accelerated erosion** is a complex task. There are three reasons for this.

1. Recognition that sustainable land use means changing from unsustainable farming practices. This may mean the introduction of new practices such as employing different stocking rates, introducing *forestry** or retirement of land and fencing water bodies.

2. Commitment to implementing new land management practices will require capital outlay and most importantly require a willingness from the landowner to introduce change.

3. Sustainable land management practices need to be tailored to the specific land capability of an individual holding, which means a blanket approach introducing one solution for all hill country farming will probably fail.

Policy 5-2A recognises that *vegetation clearance** and *land disturbance** are two of the main contributors to *accelerated erosion**. It also recognises that *vegetation clearance*, land disturbance** and *cultivation** within or close to water bodies ~~have the potential to cause *accelerated erosion** and~~ have a higher risk of causing discharges of sediment to water. The policy describes the regulation of land use activities to provide guidance to regional and district plan preparation.

Policy 5-5 states the Regional Council's support for codes of practice, standards, guidelines and environmental management plans as these can assist with reducing *accelerated erosion**.

12 Land Use Activities and Indigenous Biological Diversity

12.1 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) a*ccelerated 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** in *Hill Country Erosion Management Areas**, ~~and~~

(iii) involving ~~the formation of *new tracking**.~~ *land disturbance** and *cultivation** in *Hill Country Erosion Management Areas**, and

(iv) involving large-scale *land disturbance**

(v) within a *coastal foredune**

Comment [PH1]: These provisions will need updating once the final rule stream is determined.

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

For *vegetation clearance**, *land disturbance**, *forestry** or *cultivation** and ancillary discharges to and diversions of surface water 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:

(aa) the Regional Policy Statement, particularly Objective 5-2 and Policies 5-2A and 5-5.

(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~~on *water bodies*^ through the use of sediment run-off control methods and setbacks from water bodies,

(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*^,

(h) 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.

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 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

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-1A Small-scale land disturbance	Except as regulated by Rules 12-4 and 12-6, any *land disturbance** pursuant to s9(2) RMA of a total area up to 2500 m^2 per *property** per 12-month period and any ancillary: (a) diversion of *water*^ pursuant to s14(2) RMA on the *land*^ where the *land disturbance** is undertaken. (b) *discharge*^ of sediment into *water*^ pursuant to s15(1) RMA resulting from the *land disturbance**.	Permitted	(a) The activity must not take place on *land*^ that is within a *coastal foredune**. (b) Erosion and sediment control methods, which may include bunding, silt traps, interception drains or other alternative methods, to minimise sediment discharge to water must be installed prior to, and maintained during, the land disturbance activity. (c) Any ancillary discharge of sediment into water^ must not, after reasonable mixing, cause the receiving water body to breach the water quality targets for visual clarity set out in Schedule D for that water body. (d) The activity must not occur on *land*^ that is in, or within 5 m of: (i) the *bed*^ of a *river*^ that is permanently flowing (ii) the *bed*^ of a *river*^ that is not permanently flowing ~~ephemeral~~ and has an *active bed** width greater than 1 m (iii) the *bed*^ of a *lake*^ (e) The activity must not occur on *land*^ that is in, or within 10 m of: ~~(i) the *bed*^ of a *river*^ that is either permanently flowing or is ephemeral with an *active bed** width greater than 1 m~~ ~~(ii) the *bed*^ of a *lake*^~~ (iii) A wetland^ as identified in Schedule E (iv) Sites valued for trout spawning as identified in Schedule AB (i) Sites of Significance Aquatic as identified in Schedule AB.	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-1 Large-scale *land disturbance**~~,~~ ~~including earthworks~~	Except as regulated by Rules 12-4 and 12-6, any *land disturbance** pursuant to s9(~~3~~2) RMA of a total area greater than 2500 m^2 per *property** per 12-month period and any ancillary: (a) diversion of *water*^ pursuant to s14(~~1~~2) RMA on the *land*^ where the *land disturbance** is undertaken, or (b) *discharge*^ of sediment into *water*^ pursuant to s15(1) RMA resulting from the *land disturbance**.	~~Permitted~~ Controlled	(a) The activity must not take place on *land*^ that is within a *coastal foredune**. (b) The activity must be undertaken in accordance with an *Erosion and Sediment Control Plan** ~~which must be submitted to the Regional Council upon request~~. (c) ~~The Regional Council must be notified at least 48 hours prior to the activity commencing.~~ (d) Any ancillary discharge of sediment into water^ must not, after reasonable mixing, cause the receiving water body to breach the water quality targets for visual clarity set out in Schedule D for that water body. (e) The activity must not occur on *land*^ that is in, or within 5 m of: (iv) the *bed*^ of a *river*^ that is permanently flowing (v) the *bed*^ of a *river*^ that is not permanently flowing ~~ephemeral~~ and has an *active bed** width greater than 1 m (vi) the *bed*^ of a *lake*^ (f) The activity must not occur on *land*^ that is in, or within 10 m of: ~~(v) the *bed*^ of a *river*^ that is either permanently flowing or is ephemeral with an *active bed** width greater than 1 m~~ ~~(vi) the *bed*^ of a *lake*^~~ (vii) A wetland^ as identified in Schedule E (viii) Sites valued for trout spawning as identified in Schedule AB (i) Sites of Significance Aquatic as identified in Schedule AB.	Control is restricted to: (a) the location, nature, scale, timing and duration of the activity (b) the provision of an erosion and sediment control plan (c) *effects*^ of the activity and associated sediment run-off on soil conservation, surface *water*^ quality and aquatic ecology (d) the provision of set backs from water bodies (e) 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) (f) Achievement of the water quality numerics set out in Schedule D (g) duration of consent and review of consent *conditions*^ (h) compliance monitoring.
12-2	Except as regulated by Rule 12-6, any	Permitted	(a) The activity must not take place on *land*^ that is within	

Comment [PH2]: If it is ruled by the Court that there is a scope issue here and it falls back to the NV permitted activity rule, a review of how adequate that rule will need to be undertaken. I propose to do this in the time leading up to the hearing

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
*Forestry**	*forestry** pursuant to s9(2) RMA, and any ancillary: (a) disturbance of the *bed*^ of a *river*^ or *lake*^ pursuant to s13(1) RMA by *forestry**, or (b) diversion of *water*^ pursuant to s14(1) RMA on the *land*^ (but not within a *river*^) where the *forestry* * is undertaken, or (c) *discharge*^ of sediment or *slash** into *water*^ pursuant to s15(1) RMA resulting from the *forestry**.		a c*oastal foredune**. (b) Any planting or replanting of *forestry** trees must not occur on *land*^ that is in, or within 5 m of: (ii) the *bed*^ of a *river*^ that is permanently flowing or has an *active bed** width greater than 2 m (iii) the *bed*^ of a *lake*^ (iv) a *rare habitat**, *threatened habitat** or *at-risk habitat**. (c) 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. (d) 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. (e) *Water*^ run-off controls must be installed and maintained for *tracks** and landing *sites**. (f) Batters, cuts and side castings must be established by methods that prevent slumping. (g) Vegetation must be felled away from any area listed in (b), other than where this would endanger the health and safety of workers. (h) 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. (i) Harvesting must be planned and carried out so as to minimise the amount of *slash** entering any area listed in (b). (j) *Slash** must be removed from within areas listed in (b)(i) where it is blocking *river*^ flow, or is diverting	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			river^ flow and causing bank erosion. (k) *Slash** associated with landing *sites** and processing *sites** must be placed on stable ground and managed to avoid it falling down any slope. (l) The activity must be undertaken in accordance with an *Erosion and Sediment Control Plan** which must be submitted to the Regional Council upon request.	
12-3 *Cultivation**	Except as regulated by Rules 12-4 and 12-6, any *cultivation** and ancillary methods to minimise run off to water pursuant to s9(2) RMA ~~within 5 m of:~~ ~~(a) the *bed*^ of a *river*^ that is permanently flowing or has an *active bed** width greater than 2 m, or~~ ~~(b) the *bed*^ of a *lake*^, or~~ (c) ~~a *wetland*^~~ and any ancillary: (a) diversion of *water*^ pursuant to s14(~~1~~2) RMA on the *land*^ where the *cultivation** is undertaken, or (b) *discharge*^ of sediment into *water*^ pursuant to s15(1) RMA resulting from the *cultivation** or the use of ~~bunding, silt traps, interception drains or other alternative~~ ancillary methods to minimise sediment run-off into *water*^.	Permitted	(a) The activity must not take place on *land*^ that is within a c*oastal foredune**. (b) 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**. (c) Any ancillary discharge of sediment into water^ must not, after reasonable mixing, cause the receiving water body to breach the water quality targets for visual clarity set out in Schedule D for that water body. (d) For vegetable crops listed within the Commodity Levies (Vegetables and Fruit) Order 2007 a paddock assessment must be undertaken in accordance with the Code of Practice for Commercial Vegetable Growing in the Horizons Region (Horticulture New Zealand) Version 2010/2 and appropriate bunding, silt traps, interception drains, or alternative methods to minimise sediment runoff to water must be installed prior to and maintained during cultivation. (e) The activity must not occur on *land*^ that is in, or within 5 m of: (i) the *bed*^ of a *river*^ that is permanently flowing (ii) the *bed*^ of a *river*^ that is not permanently flowing ~~ephemeral~~ and has an *active bed** width greater than 1 m (iii) the *bed*^ of a *lake*^	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			(f) The activity must not occur on *land*^ that is in, or within 10 m of: ~~(ix) the *bed*^ of a *river*^ that is either permanently flowing or is ephemeral with an *active bed** width greater than 1 m~~ ~~(x) the *bed*^ of a *lake*^~~ (xi) A wetland^ as identified in Schedule E (xii) Sites valued for trout spawning as identified in Schedule AB (i) Sites of Significance Aquatic as identified in Schedule AB. Advice Note: 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).	
12-4A Vegetation clearance in a *Hill Country Erosion Management Area**	Except as regulated by Rules 12-4 and 12-6, any vegetation clearance pursuant to s9(2) RMA and any ancillary: (a) diversion of *water*^ pursuant to s14(2) RMA on the *land*^ where the *vegetation clearance** is undertaken. *discharge*^ of sediment into *water*^ pursuant to s15(1) RMA resulting from the *vegetation clearance**.	Permitted	(a) The activity must not take place on *land*^ that is within a *coastal foredune**. (b) The activity must not involve the clearance of 1 ha or greater per *property** per 12-month period of *woody vegetation** where the age~~*canopy** cover~~ of *woody vegetation** in the area to be cleared is greater than 7 years~~%,~~ or (c) The activity must not occur on *land*^ that is in, or within 5 m of: (i) the *bed*^ of a *river*^ that is permanently flowing (ii) the *bed*^ of a *river*^ that is not permanently flowing ~~ephemeral~~ and has an *active bed** width greater than 1 m (iii) the *bed*^ of a *lake*^ (d) The activity must not occur on *land*^ that is in, or within 10 m of: ~~(i) the *bed*^ of a *river*^ that is either permanently flowing or is ephemeral with an *active bed** width greater than 1 m~~	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			~~(ii) the *bed*^ of a *lake*^~~ (iii) A wetland^ as identified in Schedule E (iv) Sites valued for trout spawning as identified in Schedule AB (e) Any ancillary discharge of sediment into water^ must not, after reasonable mixing, cause the receiving water body to breach the water quality targets for visual clarity set out in Schedule D for that water body. (f)	
12-4 *Vegetation clearance** or *land disturbance** in a *Hill Country Erosion Management Area**, or *cultivation** and ancillary activities not complying with Rule 12-3 or *forestry** not complying with Rule 12-2	Except as regulated by Rule 12-6, any *vegetation clearance** not complying with Rule 12-4A, or *land disturbance** involving more than 100m²/year/property* or 100m³/year/property in a Hill Country Erosion management Area, or *cultivation** and ancillary activities not complying with Rule 12-3 or forestry not complying with Rule 12-2 pursuant to s9(2) RMA ~~(a) within 5 m of the *bed*^ of a *river*^ that is permanently flowing or has an *active bed** width greater than 2 m, or~~ ~~(b) within 5 m of the *bed*^ of a *lake*^, or~~ ~~(c) 5 m of a *wetland*^, or~~ ~~volving *new tracking**~~ and any ancillary: (a) diversion of *water*^ pursuant to s14(1) RMA on the *land*^ where the *vegetation clearance** or *land disturbance** is undertaken, or (b) *discharge*^ of sediment into *water*^ pursuant to s15(1) RMA resulting	Restricted Discretionary	(g) The activity must not take place on *land*^ that is within a *coastal foredune**., (h) The activity must not occur on *land*^ that is in, or within 5 m of: (iv) the *bed*^ of a *river*^ that is permanently flowing (v) the *bed*^ of a *river*^ that is not permanently flowing ~~ephemeral~~ and has an *active bed** width greater than 1 m (vi) the *bed*^ of a *lake*^ (c) The activity must not occur on *land*^ that is in, or within 10 m of: ~~(xiii) the *bed*^ of a *river*^ that is either permanently flowing or is ephemeral with an *active bed** width greater than 1 m~~ ~~(xiv) the *bed*^ of a *lake*^~~ (xv) A wetland^ as identified in Schedule E (xvi) Sites valued for trout spawning as identified in Schedule AB (ii) Sites of Significance Aquatic as identified in Schedule AB.	Discretion is restricted to: (a) the location, nature, scale, timing and duration of the activity (b) the provision of an erosion and sediment control plan (c) *effects*^ of the activity and associated sediment run-off on soil conservation, surface *water*^ quality and aquatic ecology (d) the provision of set backs from water bodies (e) 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) (f) Achievement of the water quality numerics set out in Schedule D (g) duration of consent and review of consent *conditions*^ (h) compliance monitoring. (i) For cultivation and ancillary activities the measures in the Code of Practice for Commercial Vegetable Growing in the Horizon Region (Horticulture New

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	from the *vegetation clearance** or *land disturbance**.			Zealand) Version 2010/2 *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).
12-5 *Vegetation clearance**, *land disturbance**, *cultivation** or *forestry** that does not comply with Rules 12-1A to 12-4A (including near water bodies)	Except as regulated by Rule 12-6, any *vegetation clearance**, *land disturbance**, *cultivation** or *forestry** pursuant to s9(2) RMA that does not meet the *conditions*^, standards or terms of Rules 12-1, 12-1A, 12-2, 12-3, 12-4A or 12-4 and any ancillary: (a) disturbance of the *bed*^ of a *river*^ or *lake*^ by *forestry** authorised by those *rules*^ pursuant to s13(1) RMA (b) diversion of *water*^ authorised by those *rules*^ pursuant to s14(~~1~~2) RMA, or (c) *discharge*^ of sediment or *slash** authorised by those *rules*^ pursuant to s15(1) RMA.	Discretionary		
12-6 Some activities within *rare habitats**, *threatened habitats** and *at-risk habitats**	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 *structure*^, 16-13 and 16-14, any of the following activities within a *rare habitat**, *threatened habitat** or *at-risk habitat**: (a) *vegetation clearance**, *land disturbance** or *cultivation** pursuant to s9(2) RMA (b) *forestry** pursuant to s9(2) RMA that does not meet *condition*^, standard or term of Rule 12-2 (b)(iii) or (c)	Discretionary		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(c) the drilling, construction or alteration of any *bore** pursuant to s9(2) RMA (d) activities restricted by s13(1) or s13(2) RMA in the *beds*^ of *rivers*^ or *lakes*^ (e) the taking, using, damming or diverting of *water*^ pursuant to s14(2) RMA (f) *discharge*^ of *water*^ or *contaminants*^ into *water*^ or onto or into *land*^ pursuant to s15(1) or s15(2A) RMA.			

12.3 Glossary terms

Hill Country Erosion Management Area means any area of land^ with a pre-existing slope* of $\underline{20^0}$ ~~28^0~~ or greater on which *vegetation clearance** or *land disturbance** being or is to be undertaken