

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the Proposed One Plan hearings

**PROVISIONAL DETERMINATION OF LAND HEARING PANEL
CHAPTERS 5 AND 12 - PROPOSED ONE PLAN**

Note: This is a provisional determination. This provisional determination is not a decision within the meaning of the Resource Management Act and is not therefore an appealable decision. This provisional determination is intended to provide a statement of the current thinking of the Land Hearing Panel (referred to as either Land Hearing Panel or Panel) to enable other Hearing Panels, officers and submitters to understand the likely form of the provisions of Chapters 5 and 12 so as to enable an integrated planning instrument at the conclusion of the entire hearing process.

1. The Resource Management Act (RMA) provides for composite planning instruments. A composite instrument presents special challenges for the Hearing Panels, officers, and submitters. In particular, it is important to achieve coherence and consistency throughout the entire document. To ensure that other Hearing Panels, officers and submitters understand the relevant Hearing Panel's thinking on each chapter, it has been decided to use the technique of issuing provisional determinations.
2. This provisional determination covers:
 - (a) Chapter 5 (Appendix 1); and
 - (b) Chapter 12 (Appendix 2), which is the same as Chapter 12 attached to the Biodiversity & Heritage Hearing Panel's provisional determination.
3. This wording represents the outcome of an extensive deliberative process by the Land Hearing Panel. While deliberations have reached an advanced stage, they have not been concluded and the Panel reserves the right to make further changes.
4. This provisional determination is not a decision within the meaning of the RMA and, in particular, is not a decision under clause 10 of Schedule 1 to the RMA. This provisional determination is not intended to invite further response from submitters or encourage new debate. The Panel will not receive further evidence in respect of Chapters 5 or 12.
5. The final decision under clause 10 of Schedule 1 to the RMA will contain reasons and meet the statutory requirements.
6. Some of the provisions are shaded grey because they are related to provisions being dealt with at later hearings.
7. A number of matters remain to be completed before Chapters 5 and 12 will be final. These include checking consistency of terminology and cross-references and final proofreading. However, it was decided that these matters of detail should not delay release of the provisional determination. Some cross-references cannot be completed until other chapters have been completed. If you notice an error of detail (as opposed to debating the substance), please let the Hearings Administrator know.



Joan Allin
Chairperson
Land Hearing Panel

22 June 2009

Appendix 1

Text in grey highlight is related to deliberations of later Panels.

5 **Land[^]**

5.1 **Scope and Background**

Land[^] management issues stem mainly from the *effects[^]* of human activities on *land[^]*. 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[^]* ~~biodiversity~~ 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~~ ~~have~~ defined ~~the Region's~~ ~~our~~ 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* ~~agricultural~~ 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^{*}*, and ~~agricultural practices on Highly Erodible Land^{*} (HEL)~~.

Activities related to *land[^]* management which are covered in other chapters, include:

- (a) *discharges[^]* of *agr chemicals^{*}*, 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 ~~300,000~~ ha of hill country *land[^]* at risk of moderate-severe erosion (Figure 5.1), 116,000 ~~100,000~~ 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 (~~Horizons Regional Council, 2005~~). 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^ways* is the result of sediment run-off), reduced *water^ turbidity/*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 (~~Blaschke et al., 1992~~). Some soil types may never fully recover. Efforts to maintain farm productivity on *land^* that has been ~~affected~~ impacted by slipping generally increases 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 ~~infrastructural~~ *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, ~~spill~~overburden containment, debris clearance and ~~site regressing/~~ revegetation can significantly increase sediment loads in adjoining streams or sediment discharges onto neighbouring properties.

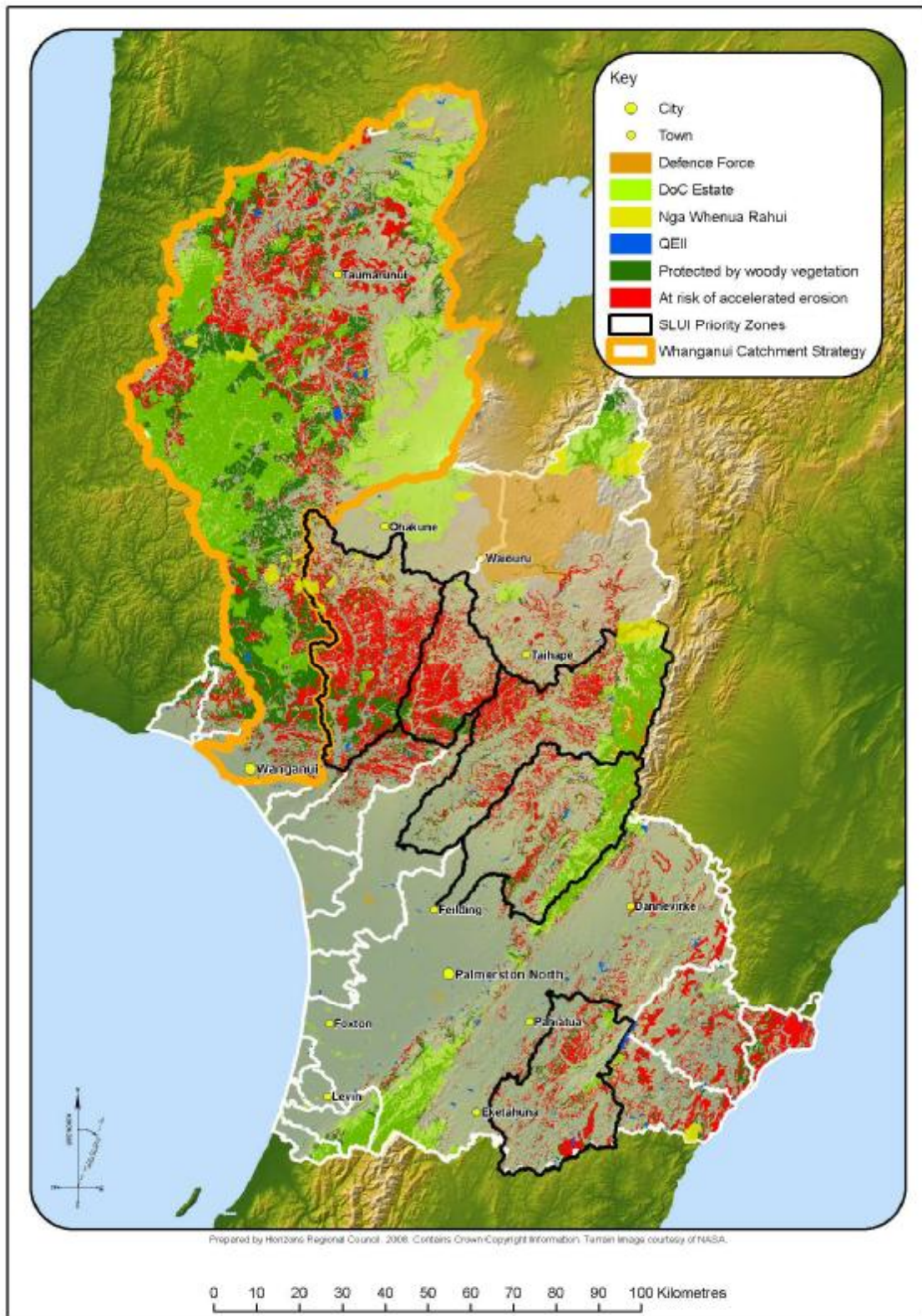


Figure 5.1 Distribution of hill country land^a subject to an elevated risk of with a high potential for accelerated erosion*. (Highly Erodible Land) (NOTE: map is replacement from the notified map)



5.1.3 **Land[^] and Soil Management**

This section focuses on ~~the~~ reducing *accelerated erosion*^{*}.

The Regional Council's focus continues to be largely non-regulatory, with ~~whole farm business plans~~^{*} the Council's Sustainable Land Use Initiative and Whanganui Catchment Strategy programmes being critical components of this approach.

The regulatory focus for *land[^]* is ~~centres~~ on protecting the stability of the Region's soil and maintaining or enhancing *water[^] quality* by controlling elements of:

- some *vegetation clearance*^{*} and *land disturbance*^{*} located on Highly Erodible Land (HEL) in both *coastal foredune*^{*} and hill country areas that are subject to an elevated risk of *accelerated erosion*^{*}
- ~~*forestry*^{*} production~~
- large-scale *land disturbance*^{*}, including earthworks
- *cultivation*^{*} occurring adjacent to some *water bodies*[^].
- ~~land or vegetation disturbance near water bodies;~~

However, the Regional Council has sought to permit activities that:

- ~~have only minor environmental impacts, or~~
- ~~are carried out in accordance with a recognised/Horizons'-endorsed industry-developed code of practice or similar.~~

The regulatory focus recognises that under section 9(3) of the RMA, the use of *land[^]* (*vegetation clearance*^{*}, *land disturbance*^{*}, *forestry*^{*} and *cultivation*^{*} in this case) 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. However, three 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*^{*}; and
- (c) *cultivation*^{*} occurring adjacent to certain *water bodies*[^].

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

Under this Plan, *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.

5.2 **Significant Resource Management Issues**

Issue 5-1: *Accelerated erosion*^{*}

- (a) **Hillcountry 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*[^] ~~along streams~~ are unsustainable. Where *vegetation clearance*^{*} (~~forestry or scrub~~), roading,



tracking or other types of *land disturbance** (including filling) are carried out in hill country or adjacent to water bodies^ ~~waterways~~, 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 high sediment loads in water bodies^ ~~waterways~~ 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 ~~property~~ and infrastructure^.
- (b) **Coastal foredune* activities**
Vegetation and soil disturbance associated with vehicle movement, tracking, coastal protection works and land^ recontouring ~~as part of agricultural development~~ have the great potential to destabilise fragile coastal foredunes* ~~sand soils~~ if not well managed.
- (c) **Large-scale land disturbance* including earthworks from urban development**
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 local adverse effects^ on water bodies^ ~~waterways~~ if sediment from these earthworks is poorly managed.
- (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, cultivation* undertaken adjacent to water bodies^ has the potential to result in increased sediment loads to those water bodies^ unless appropriate industry best practice sediment run-off control measures are implemented.

5.3

Objectives

Objective 5-1: **Managing accelerated erosion***

Land is used in a manner that ensures:

- (a) By the year 2017, 50% of farms within hill country land^ subject to an elevated risk of accelerated erosion* with Highly Erodible Land* (see Schedule A) are either being sustainably managed, or will have a whole farm business plan* in place, by 2017 or be in the process of putting in place, farm-wide sustainable land^ management practices to minimise accelerated erosion*.
- (b) ~~sediment loads entering waterways as a result of accelerated erosion are reduced to the extent required to be consistent with the water management objectives and policies set out in Chapter 6 of this Plan and the targets established in Schedule D for those water management zones with elevated sediment levels~~



- ~~(c) accelerated erosion caused by vegetation clearance* and land disturbance* is minimised~~
- ~~(d) the damage to roads and other infrastructure* caused by landslides and sediment run-off from hill country is minimised~~
- ~~(e) the damage to property, infrastructure* and significant habitat areas caused by accelerated wind erosion of coastal sand is minimised.~~

This objective relates to Issue 5-1.

Whāinga 5-1: Te whakahaere i te tere whakahoro whenua

Ka whakamahia te whenua kia hua ai:

- ~~(a) hei mua mai i te tau 2017 me 50% o ngā pāmu whenua horo nui (tirohia Schedule A) ka e āta whakahaeretia ana i runga i te tikanga tauwhiro rānei, e whai ana rānei i tētahi mahere pāmu katoa kia iti pai te whakahoro whenua~~
- ~~(b) ka whakaitingia ngā kuhunga paru, nā te tere whakahoro whenua, ki roto i ngā rerenga wai kia hāngai tonu ki ngā whāinga whakahaere wai, pūrongo hoki kei roto i Chapter 6 Water o tēnei mahere me ngā keonga i whakatauria i roto o Schedule D o pā ana ki aua rohe whakahaere wai nui kē ngā taunga paru~~
- ~~(c) ka whakaitingia te tere whakahoro whenua nā te whakapara tipu me te rāweke whenua~~
- ~~(d) ka whakaitingia te pakaru o ngā huarahi me kaupapa o raro kē nā te horowhenua me te rerenga parataiao i ngā puke, ā~~
- ~~(e) ka whakaitingia te pakaru o ngā rawa, ngā kaupapa o raro, me ngā wāhi noho whakahirahira nā te tere whakahoro ā-hau o ngā oneone takutai moana.~~

Ka honoa tēnei whāinga kia Take 5-1

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.

This objective relates to Issue 5-1.

Whāinga 5-2: Te tatari i ngā āhuatanga e whakaterere ana i te whakahoro whenua

He maha ngā mahi o runga i te whenua e whakaterere ana i te whakahoro whenua me te whakarahi ake i te rerenga parataiao i te wai (ka whakararu i te tangata, ngā whare, ngā kaupapa o raro hoki) me whakakorengia, whakahaerea rānei pērā ki te tope ngāhere, tīni whenua, mahi rākau, te whakatipu kai hoki.

Ka honoa tēnei whāinga kia Take 5-1.



5.4 Policies

5.4.1 Accelerated Erosion

Policy 5-1: Sustainable management of Highly Erodible Land – whole farm business plans Encouraging and supporting sustainable *land*[^] management

The Regional Council will encourage and support the adoption of sustainable *land*[^] management practices on all farms identified as Highly Erodible Land* (as shown in Schedule A) by working with relevant landowners/occupiers to prepare a whole farm business plan* identifying sustainable land management practices for each farm and programmes for implementing any required changes by:

- (a) The Regional Council aims to have 50% of farms with Highly Erodible Land* covered by a whole farm business plan* by 2017.
- (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) The Regional Council will monitoring the implementation of sustainable *land*[^] management practices on Highly Erodible Land* within hill country *land*[^] subject to an elevated risk of *accelerated erosion** and reporting this information on a two-yearly basis.
- (c) A non-regulatory approach has been adopted to encourage the use and uptake of whole farm business plans* to achieve sustainable land use on Highly Erodible Land*. If, however, monitoring indicates that this approach is not achieving sustainable land use, other methods to achieve the outcome will need to be considered.
- (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).

This policy relates to Issue 5-1 and Objective 5-1.

Policy 5-2: Sustainable management of other land – whole farm business plans

The Regional Council will respond to requests from owners/occupiers of land that is not Highly Erodible Land* to prepare a whole farm business plan*, provided this does not impede the achievement of Policy 5-1.

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

- (a) The Regional Council will 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*[^] shall 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*^{*}, *land disturbance*^{*}, *forestry*^{*} and *cultivation*^{*} to be undertaken without the need for a *resource consent*[^] if *conditions*[^] are met. *Vegetation clearance*^{*} and *land disturbance*^{*} will require a *resource consent*[^] if they are undertaken adjacent to some *water bodies*[^] (including certain *wetlands*[^]) in *Hill Country Erosion Management Areas*^{*} or in *coastal foredune*^{*} areas. Removal of some *woody vegetation*^{*} and the formation of *new tracking*^{*} in *Hill Country Erosion Management Areas*^{*} will also require a *resource consent*[^].

This policy relates to Issue 5-1 and Objective 5-2.

~~Policy 5-3: Regulation of vegetation clearance and land disturbance on Highly Erodible Land~~

- ~~(a) — Vegetation clearance^{*} and land disturbance^{*}, including excavation, filling, tracking and soil cultivation, shall generally not be allowed on Highly Erodible Land^{*} unless:~~
- ~~(i) — the activity will result in an environmental benefit, including improved land stability, enhanced water quality, or the establishment of indigenous plant species, or~~
 - ~~(ii) — the activity is undertaken in accordance with a whole farm business plan^{*}, or~~
 - ~~(iii) — the activity is for the purpose of establishing or maintaining a fenceline or other infrastructure^{*} and there is no reasonable alternative location, or~~
 - ~~(iv) — the activity is for the purpose of harvesting trees that were planted for commercial purposes prior to this plan becoming operative and the area will be replanted in production forestry species, or left to revert to indigenous vegetation cover, or~~
 - ~~(v) — the activity is for the purpose of establishing a commercial forestry operation that will operate in accordance with accepted industry standards, or~~
 - ~~(vi) — other exceptional circumstances apply.~~
- ~~(b) — Any vegetation clearance^{*} or land disturbance^{*} that is allowed on Highly Erodible Land^{*} shall not significantly increase the risk of erosion or land instability.~~

~~Policy 5-4: Regulation of significant land disturbance on land that is not Highly Erodible Land~~

~~Land disturbance^{*} on land that is not Highly Erodible Land^{*} shall be regulated in order to avoid any significant increases in the risk of erosion, land instability, or sediment discharges to waterways.~~

~~5.4.2 Codes of Practice and Best Management Practices~~

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

The Regional Council will, 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 will be supported.



- (b) ~~Where possible, recognise~~ appropriately developed and administered codes of practice, standards, guidelines or environmental management plans targeted at achieving sustainable land use, ~~will be recognised and incorporated~~ and incorporate them within the regulatory framework where applicable.
- (c) make information describing best management practices for reducing erosion and maintaining water quality and soil health ~~will be made~~ available to all relevant landowners, occupiers, asset owners, consultants, developers and contractors.

This policy relates to Issue 5-1 and Objectives 5-1 and 5-2.

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.

Project Name <u>Method 5-1</u>	Sustainable Land Use Initiative – Hill Country Erosion
Project Description	The aim of this project method is to reduce accelerated hill country <u>accelerated erosion</u> . While the emphasis will be on Highly Erodible Land <u>hill country</u> , all <u>land</u> at risk of erosion will be eligible for assistance under this programme. Staff from Horizons <u>the</u> Regional Council and other agencies will work with landowners <u>and occupiers</u> to develop whole farm business plans <u>voluntary management plans</u> . These plans will provide the blueprint for long-term environmental, economic, and social sustainability. Research, publicity, education, information, incentives, joint ventures and <u>land</u> purchase will be used to encourage the <u>landowner or occupier</u> to <u>manage their land</u> in a <u>change to more sustainable manner</u> farming practices .
Who	Regional Council, central government, departments and ministries, <u>Horizons Regional Council and Territorial Authorities</u> , District Councils, Federated Farmers, Crown Research Institutes, Farm Forestry Association, <u>landowners or occupiers, recognised organisations representing farmers,</u> and farm consultants <u>will work together to develop, manage, fund and implement this programme.</u>
Links to Policy	This project links to <u>method implements</u> Policy 5-1.
Targets	50% of properties with Highly Erodible Land <u>within hill country land</u> subject to an elevated risk of <u>accelerated erosion</u> will have an operative whole farm business plan <u>a voluntary management plan</u> in place by 2017.

Project Name <u>Method 5-2</u>	Whanganui Catchment Strategy
Project Description	The aim of this project method is to reduce accelerated hill country <u>accelerated erosion</u> within the Whanganui catchment. Whilst the emphasis will be on Highly Erodible Land <u>hill country land</u> subject to <u>an elevated risk of accelerated erosion</u> , all <u>land</u> at risk of erosion within the catchment will be eligible for assistance under this programme. Staff from Horizons <u>the</u> Regional Council and consultants will work with landowners <u>and occupiers</u> to develop whole farm business plans <u>management plans</u> . 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 <u>landowner or occupier</u> to <u>change to manage their land</u> in a <u>more</u>



	<p>sustainable <u>manner</u> farming practices.</p> <p>The Whanganui Catchment project method is a pilot for the much larger Sustainable Land Use Initiative – Hill Country Erosion project method (Method 5-1). Eventually, the Whanganui Catchment Strategy project method will be integrated with this project method.</p>
Who	<p>Horizons Regional Council, Ruapehu and Wanganui District Councils, landowners or occupiers, Whanganui relevant hapū and iwi, and the Whanganui River Enhancement Trust, Department of Conservation, recognised organisations representing farmers, and farm consultants will work with landowners to fund and implement this programme.</p>
Links to Policy	<p>This project links to Policies <u>method implements Policy 5-1 and 5-2.</u></p>
Targets	<p>50% of properties <u>within hill country land[^] subject to an elevated risk of accelerated erosion* in within the Whanganui Catchment with Highly Erodible Land[^] will have operative whole farm business plans* a voluntary management plan</u> in place by 2015.</p>

Project Name <u>Method 5-3</u>	Sustainable Land Use Initiative – Soil Health
Project Description	<p>The aim of this project 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 <u>land[^] use practices</u>. Research and monitoring will be used to identify and fine-tune best practice. This project method includes the provision of advice and information to owners of land in the fragile sand country along the Region's west coast.</p>
Who	<p>The Regional Council, wishes to work with landowners or occupiers, Landwise, VegFed Horticulture New Zealand, Dexcel, Federated Farmers, agricultural contractors, fertiliser* companies and research institutes to develop a programme of action.</p>
Links to Policy	<p>This project links to <u>method implements Policy 5-5(c).</u></p>
Targets	<ul style="list-style-type: none"> • 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.

Project Name <u>Method 5-4</u>	Sustainable <u>Land[^] Use Codes of Practice and Best Management Practices</u>
Project Description	<p>This project method will provide support for the development of codes of practice, best management practices and other sector-based initiatives for sustainable <u>land[^] use, construction, production and operating methods on all types of land[^] within the Region – hill country, plains, sand country and along the coast.</u></p> <p>This project method will also recognise, and where appropriate support, initiatives that raise awareness of sustainable <u>land[^] use</u>. Examples include the monitor farm programme, sustainable farming and management funds, and Ballance Farm Environment Awards.</p>
Who	<p>Participation in this project is very much dependent upon approaches</p>



	from industry and sector groups.
Links to Policy	This project links to <u>method implements</u> Policy 5-5.
Targets	<ul style="list-style-type: none"> All approaches for Regional Council assistance are seriously <u>will be</u> considered. Where proposals are aligned with <u>Regional</u> Council objectives, assistance will be provided where possible. Codes of practice are integrated into the regulatory framework, where appropriate.

Project Name <u>Method 5-5</u>	<u>Land</u> [^] Research, Monitoring and Reporting Programme
Project Description	The aim of this project <u>method</u> 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. A key area includes: <u>This will</u> include a five-yearly assessment of the effectiveness of the above projects <u>methods</u> , particularly the Sustainable Land Use <u>Initiative</u> – Hill Country Erosion <u>Method</u> project .
Who	Predominantly Horizons Regional Council, with assistance from <u>landowners and occupiers</u> , research institutes, universities, and non-government agencies and community groups as required .
Links to Policy	This project links to Policies 5-1 to 5-5. <u>This method implements Policies 5-1, 5-2A and 5-5.</u>
Target	A research, monitoring and reporting programme that supports delivery and refinement of existing policies and methods, and guides and assesses implementation.

Project Name <u>Method 5-6</u>	<u>Infrastructure</u> [^] Protection
Project Description	<p>The aim of this project <u>method</u> is to reduce the erosion risk to, and caused by, <u>the provision, maintenance* or upgrade* of infrastructure</u>[^]. construction and maintenance. Infrastructure*, such as roading, is a contributor to erosion, particularly through poor stormwater management, and is put at risk from erosion.</p> <p>Advice and information will be provided to <u>infrastructure</u>[^] owners in the planning stages of new works, the carrying out of <u>maintenance* or upgrade*</u>, and protection of existing networks from erosion risks. This project applies to all land types — hill country, plains, sand country and the coast.</p>
Who	Horizons Regional Council, <u>Territorial Authorities</u> [^] network owners (e.g., Transit) and owners of major <u>infrastructure</u> [^] District Councils, forestry owners, landowners, power generators, and developers.
Links to Policy	This project links to Policies 5-4 and 5-5 <u>method implements Policy 5-5.</u>
Target	The Regional Council will have formed working partnerships with all major <u>infrastructure</u> [^] owners for the purposes of assessing and identifying options to avoid, reduce or mitigate <u>manage</u> erosion risks.



Project Name	Method 5-7	Education in Schools – Land [^]
Project Description		The aim of this project method is to implement a range of initiatives to raise awareness amongst the youth of the Region of the significance of our 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		Horizons Regional Council, and various national and local environmental education providers and youth organisations.
Links to Policy		This project links to Objective 5-1 and Policy 7-5 method implements Policy 5-5.
Targets		The Regional Council develops and delivers 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 damage to adverse effects [^] on water [^] quality, people, buildings property and critical infrastructure [^] caused by hill country and coastal wind erosion in the Region.	Land Policies: 5-1, 5-2, 5-3, 5-4 and 5-5 Policies 5-1, 5-2A and 5-5	<ul style="list-style-type: none"> Water[^] quality monitoring results management zone standards, especially indicators 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 Costs of wind erosion in coastal environment % of Region's land[^] being used in accordance with sustainable use guidelines % of Highly Erodible Land identified in Schedule A being used in accordance with sustainable use guidelines 	<ul style="list-style-type: none"> Regional Council's Horizons' state of environment water[^] quality monitoring programme Regional Council's Horizons' and Territorial authority Authorities[^] incidents databases Regional Council's Horizons' river[^] bed[^] level survey results Regional Council's Horizons' and Territorial authority Authorities[^] storm damage reports Land[^] use mapping Regional Council's Horizons' Sustainable Land Use Initiative implementation reports

5.7 Explanations and Principal Reasons

A single Objectives for land[^] management are is presented in this Plan to encourage sustainable land[^] use and minimise erosion. These This focuses on responding to the fact that 65% of the Manawatu-Wanganui Region consists of highly erodible gullies and hillsides subject to accelerated erosion* and gullies (HRC, 2004b). A target has been introduced into the 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~~ requiring the landowner's active participation. Policy 5-1 and associated methods acknowledge that the achievement of sustainable farming practices on ~~highly erodible~~ 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*[^] *ways*.
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-~~32A~~ recognises that *vegetation clearance*^{*} and soil *land disturbance*^{*} are two of the main contributors to ~~accelerating~~ *accelerated erosion*^{*}. ~~Accordingly, this policy seeks to address these matters for land holdings on highly erodible land without farm plans. The policy describes the regulation of *land*[^] use activities to provide guidance to *plan*[^] preparation.~~

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

~~Policy 5-4 ensures that the effects of major earthworks on land outside of the highly erodible land area are managed through regulation.~~

Appendix 2

Text in grey highlight is related to deliberations of later Panels.

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

12.1 Policies Land^_ Use Activities

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^ is avoided as far as reasonably practicable or otherwise remedied or mitigated
- (b) increased sedimentation in water bodies^ as a result of human activity is avoided as far as reasonably practicable, or otherwise remedied or mitigated [or consistency with the water^ management objectives and policies set out in Chapter 6].

Policies

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

The Regional Council will:

- (a) regulate vegetation clearance^, land disturbance^, forestry^ and cultivation^ through regional rules^ in accordance with Objectives 11-1 and 12-1 and Policies 11-1, 11-2 and 11-3
- (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^
 - (iii) involving the formation of new tracking^.

This policy implements Objective 12-1.

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 will make decisions on consent applications and set consent conditions[^] on a case-by-case basis, having 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) giving effect to the Regional Policy Statement^{*}, particularly Objective 5-2 and Policies 5-2 and 5-3
- (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, matae 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[^] 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 the 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 or water[^]
- (h) measures including, but not limited to, sediment and erosion control measures required to reasonably minimise adverse effects[^] caused by rainfall and storm events
- (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[^] 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.~~

This policy implements Objective 12-1.

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

Land^*-based 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* 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 will require resource consents^ for vegetation clearance*, land disturbance*, forestry* and cultivation* within rare habitats*, threatened habitats* and at-risk habitats* through regional rules^ in accordance with Objectives 11-1 and 12-2 and Policies 11-1, 11-2 and 11-3.

This policy implements Objective 12-2.

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 will make decisions on consent applications and set consent conditions^ on a case-by-case basis, having regard to:

- (i) giving effect to the *Regional Policy Statement*[^], particularly Objective 7-1 and Policy 7-2
 - (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 *discharges*[^] and diversions, the matters set out in Policy 12-1(e) and 12-1(g).
- (b) Consent will generally not be granted for *vegetation clearance*[^], *land disturbance*[^], *forestry*[^] or *cultivation*[^] 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
 - (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 will generally be granted for *vegetation clearance*[^], *land disturbance*[^], *forestry*[^] or *cultivation*[^] 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), regard shall be had 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
 - (iii) the appropriateness of establishing *infrastructure*[^] of regional or national importance as identified in Policy 3-1.
- (e) Consent will generally be granted for *vegetation clearance*[^], *land disturbance*[^], *forestry*[^] or *cultivation*[^] that is for the purpose of:
- (i) pest control, habitat maintenance or habitat enhancement, or
 - (ii) the *maintenance*[^] or *upgrade*[^] of existing *structures*[^], including *infrastructure*[^].

This policy implements Objective 12-2.

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:
 - 1. comprises indigenous habitat type that is under-represented (20% or less of known or likely former cover), or
 - 2. 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
 - 3. has functioning ecosystem processes.

or

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

or

 - (iii) in terms of ecological context, that habitat provides:
 - 1. connectivity (physical or process connections) between two or more areas of indigenous habitat, or
 - 2. an ecological buffer (provides protection) to an adjacent area of indigenous habitat (terrestrial or aquatic) that is ecologically significant, or
 - 3. part of an indigenous ecological sequence or connectivity between different habitat types across a gradient (eg, altitudinal or hydrological), or
 - 4. important breeding areas, seasonal food sources, or an important component of a migration path for indigenous species, or
 - 5. habitat for indigenous species that are dependent on large and contiguous habitats.

(b) The potential adverse effects^A of *vegetation clearance**, *land disturbance**, *forestry** or *cultivation** on a *rare habitat**, *threatened habitat** or *at-risk habitat** shall 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.

This policy implements Objective 12-2.

12.3

Rules[^] – Vegetation clearance^{*}, land disturbance^{*}, forestry^{*} and cultivation^{*} and land[^]-based biodiversity including wetlands[^]

Guide for resource users

This section contains five regional rules[^] for vegetation clearance^{*}, land disturbance^{*}, forestry^{*} and cultivation^{*}:

- (a) Rule 12-1 Permitted: Large-scale land disturbance^{*}, including earthworks^{*}, including earthworks^{*} – A permitted activity[^] rule[^] for large-scale land disturbance^{*}.
- (b) Rule 12-2 Permitted: Forestry^{*} – A permitted activity[^] rule[^] for forestry^{*}.
- (c) Rule 12-3 Permitted: Cultivation^{*} – A permitted activity[^] rule[^] for cultivation^{*}.

Activities complying with the conditions[^] of Rules 12-1, 12-2 and 12-3 do not need a resource consent[^].

- (d) Rule 12-4 Restricted Discretionary: Vegetation clearance^{*} and land disturbance^{*} in a Hill Country Erosion Management Area^{*} – A restricted discretionary rule[^] for specified vegetation clearance^{*} and land disturbance^{*} in a Hill Country Erosion Management Area^{*} adjacent to some water bodies[^]. The removal of 1 ha or greater per property per 12-month period of some woody vegetation^{*}, and new tracking^{*}, is specifically covered by the rule[^]. The activities require a resource consent[^] which may or may not be granted by the Regional Council. The Regional Council can set consent conditions[^] relating to the matters over which discretion has been reserved in the rule[^].

- (e) Rule 12-5 Discretionary: vegetation clearance^{*}, land disturbance^{*}, forestry^{*} and cultivation^{*} – A discretionary activity[^] rule[^] for activities that do not comply with the conditions[^], standards and terms of the previous rules[^]. These activities require a resource consent[^], which may or may not be granted by the Regional Council. The Regional Council can set consent conditions[^] if the consent is granted.

- (f) Rule 12-6 Discretionary: Activities within a rare habitat^{*}, threatened habitat^{*}, or at-risk habitat^{*} – A discretionary activity[^] rule[^] for activities, including discharges[^] and diversions, that are located within a rare habitat^{*}, threatened habitat^{*}, or at-risk habitat^{*}. These activities require a resource consent[^], which may or may not be granted by the Regional Council. The Regional Council can set consent conditions[^] if the consent is granted.

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 (ii) for areas where the land slope* is greater than 15°, within the strip of land bordered by the bed	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 Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.	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 (d) the method of sediment retention and control of sediment run-off,

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-3 Land disturbance	<p>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>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>(c) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity</p>	Controlled	<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>(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 obtained.</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>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> <p>(f) effects on rare and threatened habitats* and at-risk habitats*</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-4 Vegetation clearance	<p>Act 1993 (this is a permitted activity under Rule 12-1) 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>Vegetation clearance* pursuant to s 9 RMA in the following circumstances: (a) in the case of coastal highly erodible land*, the affected area is more than 100 m²/y per property* (b) in the case of hillcountry highly erodible land*, the affected area is more than 1 ha/y per property* This rule does not apply to vegetation clearance* that is: (c) carried out in accordance with a whole farm business plan* (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) (e) 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) (f) for production forestry purposes (this is a permitted</p>	Discretionary	(a) The activity shall not take place in any rare or threatened habitat*.	<p>(g) effects on existing structures (h) qualifications required of contractors (i) revegetation requirements (j) procedures in the event of discovering or disturbing an archaeological site, waahi tapu or kowhi remains (k) duration of consent (l) review of consent conditions (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>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-5 Vegetation clearance and land disturbance on-coastal foredunes and near water bodies	<p>activity under Rule 12-1 or a controlled activity under Rule 12-2);</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)</p> <p>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>	Discretionary	(a) The activity shall not take place in any rare or threatened habitat*.	
12-6 Vegetation clearance and land disturbance that do not comply with permitted and	<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>	Discretionary		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
controlled activity rules				

12.2 Rules—Land-based Biodiversity Including Wetlands

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 Activities within rare and	<p>Any of the following activities within a rare or threatened habitat*:</p> <ul style="list-style-type: none"> (a) vegetation clearance* 	Non-complying		

<p>threatened habitats including wetlands</p>	<p>(b) land disturbance* (c) discharges of contaminants into water, or into or onto land (e) 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>
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Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>12-1 <u>Large-scale land disturbance* including earthworks</u></p>	<p>Except as provided for by Rules 12-4 and 12-6, any land disturbance* pursuant to s9(3) RMA of a total area greater than 2,500m² per property* per 12-month period and any ancillary: <u>(a) diversion of water^ pursuant to s14(1) RMA, or</u> <u>(b) discharge^ of sediment or other contaminants^ pursuant to s15(1) RMA.</u></p>	<p><u>Permitted</u></p>	<p><u>(a) The activity shall not take place on land^ that is within a coastal foredune*.</u> <u>(b) The activity shall be undertaken in accordance with an Erosion and Sediment Control Plan* which shall be submitted to the Regional Council upon request.</u> <u>(c) The Regional Council shall be notified at least 48 hours prior to the activity commencing.</u></p>	
<p>12-2 <u>Forestry*</u></p>	<p>Except as provided for by Rule 12-6, any forestry* pursuant to s9(3) RMA, and any ancillary: <u>(a) disturbance of the bed^ of a river^ or lake^ pursuant to s13(1) RMA, or</u> <u>(b) diversion of water^ pursuant to s14(1) RMA, or</u> <u>(c) discharge^ of sediment or other contaminants^ pursuant to s15(1) RMA.</u></p>	<p><u>Permitted</u></p>	<p><u>(a) The activity shall not take place on land^ that is within a coastal foredune*.</u> <u>(b) Any planting or replanting of forestry* trees shall not occur on land that is within 5 m of:</u> <u>(i) the bed^ of a river^ that is permanently flowing or has an active bed* width greater than 2 m</u> <u>(ii) the bed^ of a lake^</u> <u>(iii) a wetland^ that is a rare habitat* or a threatened habitat*.</u> <u>(c) Any area of forestry* that is harvested (other than firebreaks, tracks* or landing sites) shall 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.</u> <u>(d) Water run-off controls shall be installed and maintained for tracks* and landing sites.</u> <u>(e) Batters, cuts and side castings shall be established by methods that prevent slumping.</u> <u>(f) Vegetation shall be felled away from any water body^ listed in condition (b), other than where this would endanger the health and safety of workers.</u> <u>(g) Felled vegetation shall not be dragged through</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-3 <u>Cultivation*</u>	<p>Except as provided for by Rule 12-6, any cultivation* pursuant to s9(3) RMA within 5 m of:</p> <p>(a) the bed* of a river* that is permanently flowing or has an active bed* width greater than 2 m, or</p> <p>(b) the bed* of a lake*, or</p> <p>(c) a wetland* and any ancillary;</p> <p>(d) diversion of water* pursuant to s14(1) RMA, or</p> <p>(e) discharge* of sediment or other contaminants* pursuant to s15(1) RMA.</p>	Permitted	<p>any water body* listed in condition (b).</p> <p>(h) Harvesting shall be planned and carried out so as to minimise the amount of slash* entering any water body* listed in condition (b).</p> <p>(i) Slash* shall be removed from within the water bodies* and adjacent areas listed in condition (b)(i) where it is blocking river* flow, is diverting river* flow and causing bank erosion, or has the potential to be moved by river* flows.</p> <p>(j) Slash* shall not be left in a position where it may fall down any slope.</p> <p>(k) The activity shall be undertaken in accordance with an Erosion and Sediment Control Plan* which shall be submitted to the Regional Council upon request.</p>	
12-4 <u>Specified vegetation clearance* and land disturbance* in a Hill Country Erosion</u>	<p>Except as provided for by Rule 12-6, any vegetation clearance* or land disturbance* pursuant to s9(3) RMA undertaken within a Hill Country Erosion Management Area*:</p> <p>(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</p>	Restricted Discretionary	<p>(a) The activity shall not take place on land that is within a coastal foredune*.</p>	<p>Discretion is restricted to:</p> <p>(a) the location, nature, scale, timing and duration of the activity</p> <p>(b) effects* of the activity and associated sediment run-off on soil conservation, surface water quality and aquatic ecology</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><u>Management Area*</u></p>	<p>(b) <u>within 5 m of the bed^ of a lake^, or</u> (c) <u>5 m of a wetland^, or</u> (d) <u>involving the clearance of 1 ha or greater per property^ per 12-month period of woody vegetation* where the canopy* cover of woody vegetation* in the area to be cleared is greater than 70%, or</u> (e) <u>involving new tracking* and any ancillary;</u> (f) <u>diversion of water^ pursuant to s14(1) RMA, or</u> (g) <u>discharge^ of sediment or other contaminants^ pursuant to s15(1) RMA.</u></p>			<p>(c) <u>effects^ on existing structures^</u> (d) <u>effects^1 of ancillary diversions or discharges^ on historic heritage^</u> (e) <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" dated September 2002</u> (f) <u>duration of consent and review of consent conditions^</u> (g) <u>compliance monitoring.</u> Resource consent^ applications under this rule^ shall not be notified and written approval of affected persons shall not be required (notice of applications need not be served on affected persons).</p>
<p><u>12-5</u> <u>Vegetation clearance*, land disturbance*, cultivation* or forestry* that does not comply with Rules 12-1 to 12-4</u></p>	<p>Any vegetation clearance*, land disturbance*, cultivation* or forestry* pursuant to s9(3) RMA that does not meet the conditions^, standards or terms of Rules 12-1, 12-2, 12-3 or 12-4 and any ancillary; (a) <u>diversion of water^ pursuant to s14(1) RMA, or</u> (b) <u>discharge^ of sediment or other contaminants^ pursuant to s15(1) RMA.</u></p>	<p><u>Discretionary</u></p>		
<p><u>12-6</u> <u>Activities within rare habitats*, threatened habitats* and at-risk habitats*</u></p>	<p>Any of the following activities within a rare habitat*, threatened habitat* or at-risk habitat*: (a) <u>vegetation clearance*, land disturbance*, cultivation* or forestry* pursuant to s9(3) RMA, or</u> (b) <u>discharge^ of contaminants^ into water^, or into or onto land^, pursuant to s15(1) RMA, or</u></p>	<p><u>Discretionary</u></p>		

1 Matter of discretion 12-4(d) refers to the effects^ of diversions or discharges^ as the Regional Council is unable to promulgate s9(3) rules^ relating to the protection of historic heritage^.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(c) <u>diversion of water[^] pursuant to s14 RMA including for the purpose of wetland[^] drainage</u>			

The following definitions from the Glossary are deleted:

- (a) Coastal Highly Erodible Land
- (b) Highly Erodible Land
- (c) Hillcountry Highly Erodible Land
- (d) Land disturbance
- (e) Vegetation clearance
- (f) Whole Farm Business Plan.

The definition of coastal foredune is as notified with no changes.

The following definitions are to be inserted into the Glossary:

Accelerated erosion means erosion which is caused or accelerated by human activity.

Active bed means, for the purpose of the *rules[^]* in Chapter 12, the *bed[^]* of a *river[^]* that is intermittently flowing and where the *bed[^]* is predominantly unvegetated and comprises sand, gravel, boulders or similar material.

Cultivation means preparing *land[^]* for growing pasture or a crop and the planting, tending and harvesting of that pasture or crop, but excludes:

- (a) direct drilling of seed
- (b) no-tillage practices
- (c) recontouring *land[^]*
- (d) *forestry^{*}*
- (e) the clearance of *woody vegetation^{*}* and *new tracking^{*}* in a Hill Country *Erosion Management Area^{*}*.

Erosion and Sediment Control Plan means a plan prepared in accordance with the “Erosion and Sediment Control Guidelines for the Wellington Region” dated September 2002.

Forestry means all soil conservation forestry or *production forestry^{*}* activities including tracking, earthworks, *land[^]* preparation, planting, pruning, thinning, clearing understorey (indigenous and exotic species), and harvesting.

Hill Country Erosion Management Area means any area of *land*[^] with a pre-existing slope* of 28° or greater on which *vegetation clearance**, *land disturbance* forestry** or *cultivation** is being or is to be undertaken.

Land disturbance (see *Vegetation clearance**)

New tracking means the formation of a *new track** but excludes:

- (a) the installation of water table drains and *cross-track** culverts for an existing *track**
- (b) tracking undertaken to link existing *tracks** or access ways provided the length of linkage tracking is less than 100 m.

Slash means any discarded vegetation resulting from *forestry** pruning, thinning, clearing understorey, or harvesting.

Track means a formed route for the movement of people, animals or vehicles and includes a *road*[^] but excludes any route formed solely by the walking of people or animals.

Vegetation clearance means the cutting, crushing, spraying, burning, or other means of removal or destruction of vegetation, including indigenous and exotic plants (including trees). **Land disturbance** means the disturbance of the *land*[^] surface by any means including by blading, blasting, contouring, cutting of batters, filling, excavating, ripping, root raking, recontouring, or moving or removing soil or earth. *Vegetation clearance** and *land disturbance** excludes:

- (a) *cultivation**
- (b) *forestry**
- (c) clearance or disturbance by animals including grazing
- (d) activities undertaken for the sole purpose of establishing a fence line and not located within a *rare habitat**, *threatened habitat** or *at-risk habitat**
- (e) the *maintenance** or *upgrade** of existing *tracks**, *structures*[^] (including fences), or *infrastructure*[^]
- (f) maintaining shelterbelts (including cutting of shelterbelt roots)
- (g) activities undertaken for the purpose of protecting, maintaining or enhancing areas of *rare habitat**, *threatened habitat** or *at-risk habitat**
- (h) clearance of vegetation that is fallen or dead and not located within a *rare habitat**, *threatened habitat** or *at-risk habitat** that is forest* or *scrub** in Schedule E
- (i) activities undertaken within the boundaries of any area of *land*[^] held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act (other than *land*[^] held for administrative purposes) that is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act
- (j) activities undertaken within the boundaries of the New Zealand Defence Force Waiouru Military Training Area, provided that those activities are undertaken in accordance with a management plan that has the same or similar outcome as an *Erosion and Sediment Control Plan**
- (k) clearance of thistles, ring ferns, carpet ferns, rushes, ink weed, briar rose, barberry, introduced pampas grass (other than toetoe), mingimingi, wilding pinus species, Japanese poplar, Japanese walnut, and pest plants referred to in the Regional Council's Regional Pest Plant Management Strategy May 2007.

Woody vegetation means perennial vegetation that has hard lignified tissues.