



Land Disturbance Information Sheet

Land disturbance is provided for in the Plan as long as biodiversity habitats are avoided and the risk of erosion and sediment discharges are addressed.

Purpose of the rules

The Proposed One Plan has rules about *land disturbance*. They provide for *land disturbance* as long as:

- It is not in the coastal foredune or in indigenous biodiversity habitats;
- Buffer zones are provided along rivers, beside lakes and beside biodiversity habitats; and
- Soil loss into waterways is minimised.

What the rules include

Disturbance of the land surface by any means or moving or removing soil or earth; and

- Diversion of water on land; and
- Discharge of sediment into water.

What the rules exclude

- *Vegetation clearance, cultivation, and forestry* which have their own separate rules.
- *Land disturbance in rare habitats, threatened habitats, and at-risk habitats* which have their own separate rules.

Things that can be done as of right

- Grazing animals;
- Establishing a fence line (not in a *rare habitat, threatened habitat or at-risk habitat*);
- *Maintenance or upgrade* of existing tracks, structures (including fences), or *infrastructure*;

- Actions to protect, maintain or enhance areas of *rare habitat, threatened habitat or at-risk habitat*;
- Activities undertaken within the boundaries of land held or managed under the Conservation Act 1987; and
- Activities undertaken within the boundaries of the New Zealand Defence Force Waiouru Military Training Area.

Land disturbance done as a Permitted Activity [Rule 12-1A]

Small-scale *land disturbance* is a Permitted Activity if the area disturbed is:

- Less than 2,500m²; and
- Land slope is less than 20°¹

provided five standards are met.

These standards relate to installation of appropriate erosion and sediment control methods, avoiding damage to indigenous biodiversity habitats, and leaving a vegetated buffer between the area of land disturbed and rivers, lakes, and wetlands.

The pathway to a Permitted Activity is shown in the **green boxes** in the Land Disturbance Activity Pathway Diagram attached.

If it is not practical to meet the standards or *land disturbance* is on slopes more than 20°, it can still be carried out but a resource consent is needed first. Horizons has a simple, cost free, farm gate consent process for rural activities.

¹The slope trigger is where land disturbance is carried out on an area of ground that includes a slope of 20° or more for a distance of 20m.

Land disturbance that needs a consent, but Horizons must grant it [Rule 12-1]

Large-scale land disturbance is a Controlled Activity if the area disturbed is:

- More than 2,500 m²; and
- The land slope less than 20°

provided five standards are met.

The standards relate to addressing site specific erosion and sediment discharge risks, avoiding damage to indigenous biodiversity habitats, and leaving a vegetated buffer along the edges of rivers, lakes, and wetlands.

A Controlled Activity must be granted by Horizons. Consent conditions are limited to matters stated in the Rule. The pathway to a Controlled Activity is shown in the **blue boxes** in the Land Disturbance Activity Pathway Diagram attached.

Horizons has a simple, cost free, farm gate consent process for rural activities. *Land disturbance* and earthworks for civil projects will be dealt with in the standard consent process because of their larger scale, complexity and environmental risk.

Land disturbance of more than 100m² on land slopes of 20° or more [Rule 12-4]

Resource consent is needed because the risk of erosion and sediment discharges to water is greater on steeper slopes. Horizons has a simple, quick, cost free, farm gate process for rural activities provided the risk of erosion and soil getting into waterways or wetlands is addressed. The pathway for this is shown in the **orange boxes** in the Land Disturbance Activity Pathway Diagram attached.

Horizons' approach

Land Management Officers will work with farmers and rural contractors to ensure sensible and practical implementation of the rules. Their primary focus will be to provide advice about the Permitted Activity or work through a simple, cost free consent process at the farm gate if that is needed.

Horizons' Consents team will provide advice for resource consent applications needed for civil activities such as subdivision earthworks and road realignment.

Use Horizons Freephone 0508 800 800, explain what you wish to do and where you are in the Region and we will connect you with the appropriate advice.

Success factors

The keys to a successful outcome for farmers and other resource users are:

- Early communication with Horizons staff members who will help make any consent process as simple and easy as possible;
- Maintaining the 5m or 10m separation distances from waterways and wetlands specified in the rules; and
- Assessing the risk of erosion and sediment loss and using appropriate good practice methods to minimise it.

Erosion and Sediment Control

Erosion and sediment control planning needs to consider:

- A description of the nature, scale, timing, and duration of *land disturbance*;
- Water run off controls;
- Methods to prevent slumping of batters, cuts and side castings;
- Measures to maintain slope stability;
- Methods of sediment retention and control of sediment run off;
- Methods to avoid effects on riparian margins and waterbodies;
- Re-vegetation requirements;
- Methods to monitor achievement of the plan; and
- Contingency measures for heavy rainfall events.

Responses to these need to be documented in any Erosion and Sediment Control Plan required as part of a resource consent application.



Need more information?

Further information is available on Horizons' website www.horizons.govt.nz OR to speak with someone about land disturbance activities please contact us on freephone **0508 800 800**

Land Disturbance Activity Pathway Diagram



Rule 12-7
(Non-complying)

Rule 12-6
(Discretionary)

RULE 12-5
(Discretionary)

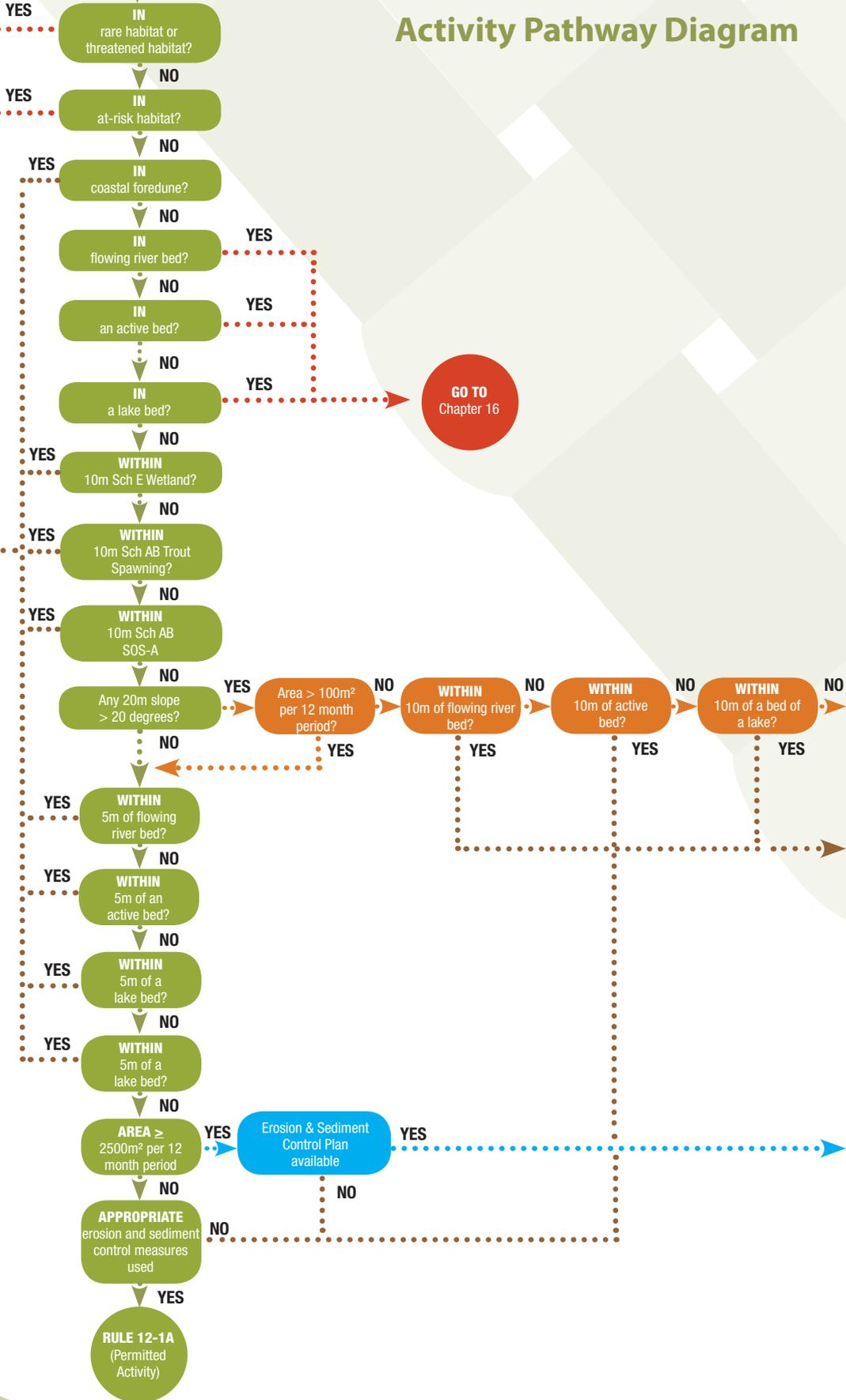
GO TO
Chapter 16

RULE 12-4
(Restricted Discretionary)

RULE 12-5
(Discretionary)

RULE 12-1
(Controlled Activity)

RULE 12-1A
(Permitted Activity)



Rules relating to Land Disturbance

Environment Court Version of Cultivation Rules in Proposed One Plan

Please note:

- All appeals to these rules have been resolved, so the rules must be treated as operative (and any previous rule as inoperative).
- It is likely that the numbering of some clauses will change in the future as the Plan is finalised before being published as operative.
- A term or expression marked with the symbol * is defined in the glossary of the Plan.
- A term or expression marked with the symbol ^ is defined in the RMA .

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-1A Small-scale land disturbance*	<p>Except as regulated by Rules 12-4, 12-6 and 12-7, any <i>land disturbance*</i> pursuant to s9(2) RMA of a total area up to 2500 m² per property* per 12-month period and any ancillary:</p> <p>(d) diversion of <i>water</i>[^] pursuant to s14(2) RMA on the <i>land</i>[^] where the <i>land disturbance*</i> is undertaken, or</p> <p>(e) <i>discharge</i>[^] of sediment into <i>water</i>[^] pursuant to s15(1) RMA resulting from the <i>land disturbance*</i>.</p>	Permitted	<p>(a) The activity must not take place on <i>land</i>[^] that is within a <i>coastal foredune*</i>.</p> <p>(b) Erosion and sediment control methods, which may include bunding, silt traps, interception drains or other alternative methods, to minimise sediment <i>discharge</i>[^] to <i>water</i>[^] must be installed prior to, and maintained during, the <i>land disturbance*</i> activity</p> <p>(c) Any ancillary discharge of sediment into <i>water</i>[^] must not, after reasonable mixing, cause the receiving <i>water body</i>[^] to breach the water quality standards for visual clarity set out in Schedule D for that <i>water body</i>[^].</p> <p>(d) The activity must not occur on <i>land</i>[^] that is in, or within 5 m of:</p> <p>(i) the <i>bed</i>[^] of a <i>river</i>[^] that is permanently flowing</p> <p>(ii) the <i>bed</i>[^] of a <i>river</i>[^] that is not permanently flowing and has an <i>active bed*</i> width greater than 1 m</p> <p>(iii) the <i>bed</i>[^] of a <i>lake</i>[^].</p> <p>(e) The activity must not occur on <i>land</i>[^] that is in, or within 10 m of:</p> <p>(i) A <i>wetland</i>[^] as identified in Schedule E</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule AB</p> <p>(iii) Sites of Significance - Aquatic as identified in Schedule AB.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>12-1 Large-scale land disturbance*, including earthworks</p>	<p>Except as regulated by Rules 12-4, 12-6 and 12-7, any <i>land disturbance*</i> pursuant to s9(2) RMA of a total area greater than 2500 m² per <i>property*</i> per 12-month period and any ancillary:</p> <p>(a) diversion of <i>water</i>[^] pursuant to s14(2) RMA on the <i>land</i>[^] where the <i>land disturbance*</i> is undertaken, or</p> <p>(b) <i>discharge</i>[^] of sediment into <i>water</i>[^] pursuant to s15(1) RMA resulting from the <i>land disturbance*</i>.</p>	<p>Controlled</p>	<p>(a) The activity must not take place on <i>land</i>[^] that is within a <i>coastal foredune*</i>.</p> <p>(b) The activity must be undertaken in accordance with an <i>Erosion and Sediment Control Plan*</i>.</p> <p>(c) [Deleted]</p> <p>(d) Any ancillary <i>discharge</i>[^] of sediment into <i>water</i>[^] must not, after reasonable mixing, cause the receiving <i>water body</i>[^] to breach the water quality standards for visual clarity set out in Schedule D for that <i>water body</i>[^].</p> <p>(e) The activity must not occur on <i>land</i>[^] that is in, or within 5 m of:</p> <p>(i) the <i>bed</i>[^] of a <i>river</i>[^] that is permanently flowing</p> <p>(ii) the <i>bed</i>[^] of a <i>river</i>[^] that is not permanently flowing and has an <i>active bed*</i> width greater than 1 m.</p> <p>(iii) the <i>bed</i>[^] of a <i>lake</i>[^].</p> <p>(e) The activity must not occur on <i>land</i>[^] that is in, or within 10 m of:</p> <p>(i) A <i>wetland</i>[^] as identified in Schedule E</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule AB</p> <p>(iii) Sites of Significance - Aquatic as identified in Schedule AB.</p>	<p>Control is reserved over:</p> <p>(a) the location, nature, scale, timing and duration of the activity</p> <p>(b) Additional content of and the standard to which the <i>Erosion and Sediment Control Plan*</i> must be prepared, the implementation of the plan, and the timing of when it must be prepared and submitted</p> <p>(c) the <i>effects</i>[^] of the activity and associated sediment run-off on soil conservation, surface <i>water*</i> quality and aquatic ecology and the methods to be taken to avoid, remedy or mitigate them</p> <p>(d) the provision of greater setback distances from <i>water bodies</i>[^] than those specified under conditions (d) and (e) to provide greater protection to a <i>water body</i>[^] if required</p> <p>(e) duration of consent</p> <p>(f) review of consent <i>conditions</i>[^]</p> <p>(g) compliance monitoring.</p> <p><i>Resource consent</i>[^] applications under this <i>rule</i>[^] will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i>[^] on affected persons).</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
				<p>Advice Note:</p> <p>Examples of alternative methods to avoid, remedy or mitigate sediment run-off can be found in Chapters 3-9 of the Erosion and Sediment Control Guidelines for the Wellington Region" (September 2002).</p>
<p>12-4 Specified vegetation clearance*, land disturbance* or cultivation* in a Hill Country Erosion Management Area*</p>	<p>Pursuant to s9(2) RMA, except as regulated by Rule 12-6 and 12-7, any:</p> <p>(a) <i>land disturbance*</i> of more than 100m² per property* per 12-month period, or</p> <p>(b) <i>vegetation clearance*</i> of 1 ha or greater per property* per 12-month period where the age of the vegetation in the area to be cleared is greater than seven years, or</p> <p>(c) <i>cultivation*</i> undertaken within a <i>Hill Country Erosion Management Area*</i> and any ancillary:</p> <p>(a) diversion of <i>water</i>[^] pursuant to s14(2) RMA on the <i>land</i>[^] where the <i>vegetation clearance*</i>, <i>land disturbance*</i> or <i>cultivation*</i> is undertaken, or</p> <p>(b) <i>discharge</i>[^] of sediment into <i>water</i>[^] pursuant to s15(1) RMA resulting from the <i>vegetation clearance*</i>, <i>land disturbance*</i> or <i>cultivation*</i>.</p>	<p>Restricted Discretionary</p>	<p>(a) The activity must not take place on <i>land</i>[^] that is within a <i>coastal foredune*</i>.</p> <p>(b) The activity must not occur on <i>land</i>[^] that is in, or within 10 m of:</p> <p>(i) the <i>bed</i>[^] of a <i>river</i>[^] that is permanently flowing</p> <p>(ii) the <i>bed</i>[^] of a <i>river</i>[^] that is not permanently flowing and has an <i>active bed*</i> width greater than 1 m</p> <p>(iii) the <i>bed</i>[^] of a <i>lake</i>[^].</p> <p>(iv) a <i>wetland</i>[^] as identified in Schedule E</p> <p>(v) sites valued for Trout Spawning as identified in Schedule AB</p> <p>(vi) Sites of Significance - Aquatic as identified in Schedule AB.</p>	<p>Discretion is restricted to:</p> <p>(a) the location, nature, scale, timing and duration of the activity</p> <p>(b) <i>effects</i>[^] of the activity and associated sediment run-off on soil conservation, surface <i>water</i>[^] quality and aquatic ecology and the methods to be taken to avoid, remedy or mitigate them</p> <p>(c) the requirement to provide an <i>Erosion and Sediment Control Plan*</i>, the content of and standard to which the plan must be prepared, the implementation of the plan, and the timing of when it must be prepared and submitted</p> <p>(ca) the provision of greater setback distances from <i>water bodies</i>[^] than those specified under condition (b) to provide greater protection to a <i>water body</i>[^] if required</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
				<p>(cb) the extent of non-compliance with the <i>water quality target*</i> for visual clarity set out in Schedule D</p> <p>(d) duration of consent</p> <p>(da) review of consent <i>conditions</i>[^]</p> <p>(e) compliance monitoring.</p> <p><i>Resource consent</i>[^] applications under this <i>rule</i>[^] will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i>[^] on affected persons).</p> <p>Advice Note:</p> <p>Examples of alternative methods to avoid, remedy or mitigate sediment run-off can be found in:</p> <p>(a) Chapters 3-9 of the Erosion and Sediment Control Guidelines for the Wellington Region” (September 2002, and</p> <p>(b) The Code of Practice for Commercial Vegetable Growing in the Horizons Region (Horticulture New Zealand).</p>