

## 12 Land-Use Activities and Land-Based Biodiversity

### 12.1 Policies

#### Policy 12-1: Consent decision-making for vegetation clearance and land disturbance

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
- (b) whether a whole farm business plan\* should be required as a condition of consent
- (c) any industry standards that are relevant to the activity in accordance with Policy 12-2
- (d) whether the vegetation clearance\* or land disturbance\* is for an important or essential activity as described under Policy 12-3
- (e) the degree of compliance with the standards for managing surface water turbidity as set out in Chapter 6, to the extent that this is necessary and can reasonably be determined
- (f) effects on sensitive areas including, but not limited to:
  - (i) dwelling houses and other buildings and structures
  - (ii) waahi tapu, marae and other places of significance to tangata whenua
- (g) the appropriateness of adopting the best practicable option to prevent or minimise adverse effects in circumstances where:
  - (i) numerical guidelines or standards establishing a level of protection for a receiving environment are not available or cannot easily be established, or
  - (ii) the likely adverse effects are minor, and the costs associated with adopting the best practicable option are small in comparison to the costs of investigating the likely effects on land and water
- (h) measures including, but not limited to, sediment and erosion control measures required to reasonably minimise adverse effects caused by rainfall and storm events
- (i) the objectives and policies of Chapter 2 regarding codes of practice and other good practice initiatives, Chapter 3 regarding infrastructure and energy, Chapter 7 regarding indigenous biological diversity, landscapes and natural character, and Chapter 10 regarding natural hazards to the extent that they are relevant to the activity.

### **Policy 12-2: Recognition of industry standards**

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

### **Policy 12-3: Important and essential activities**

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

### **Policy 12-4: Large-scale consents**

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

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

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

### **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.

## 12.2 Rules – Vegetation Clearance and Land Disturbance

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>12-1 Vegetation clearance and land disturbance not covered by other rules</b>	<p>Any vegetation clearance* or land disturbance* pursuant to s 9 RMA that is not specifically regulated by any other rule in this Plan.</p> <p>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*.</p>	<b>Permitted</b>	<p>(a) For any land disturbance involving a volume of fill or excavation of more than 1000 m<sup>3</sup>/y per property*, effective erosion and sediment control measures shall be installed and maintained during and following completion of works.</p> <p>(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.</p> <p>(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.</p>	
<b>12-2 Production forestry</b>	<p>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:</p> <p>(a) in the case of land adjoining rivers, lakes and natural wetlands:</p> <p>(i) for 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) for areas where the land slope* is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope</p>	<b>Controlled</b>	<p>(a) The activity shall not take place in any rare or threatened habitat* or at-risk habitat*.</p> <p>(b) The activity shall not take place on a coastal foredune 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>(d) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or</p>	<p>Control is reserved over:</p> <p>(a) the nature, scale, timing and duration of vegetation clearance or land disturbance</p> <p>(b) compliance with best management practices, including forestry industry standards</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>

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	<p>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 m<sup>2</sup>/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>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>(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><b>12-3</b> <b>Land disturbance</b></p>	<p>Land disturbance* on highly erodible land* pursuant to s 9 RMA in circumstances where either the affected area is more than 100 m<sup>2</sup>/y per property* or the volume of fill or excavation is more than 100 m<sup>3</sup>/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 Act 1993 (this is a permitted activity under Rule 12-1)</p> <p>(d) for the purposes of recontouring or planting dunes to</p>	<p><b>Controlled</b></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>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> <p>(g) effects on existing structures</p> <p>(h) qualifications required of contractors</p>

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	<p>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>(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><b>12-4</b> <b>Vegetation clearance</b></p>	<p>Vegetation clearance* pursuant to s 9 RMA in the following circumstances:</p> <p>(a) in the case of coastal highly erodible land*, the affected area is more than 100 m<sup>2</sup>/y per property*</p> <p>(b) in the case of hillcountry highly erodible land*, the affected area is more than 1 ha/y per property*.</p> <p>This rule does not apply to vegetation clearance* that is:</p> <p>(c) carried out in accordance with a whole farm business plan*</p> <p>(d) on land mapped as hillcountry highly erodible land* in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (this is a permitted activity under Rule 12-1)</p> <p>(e) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (this is a permitted activity under Rule 12-1)</p> <p>(f) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2).</p>	<p><b>Discretionary</b></p>	<p>(a) The activity shall not take place in any rare or threatened habitat*.</p>	

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<p><b>12-5</b> <b>Vegetation clearance and land disturbance on coastal foredunes and near water bodies</b></p>	<p>Vegetation clearance* or land disturbance*, including cultivation, pursuant to s 9 RMA in the following areas:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) for rivers, lakes and natural wetlands:                             <ul style="list-style-type: none"> <li>(i) in areas where the land slope is between 0° and 15°, within 10 m of the bed of a river, lake or wetland</li> <li>(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</li> </ul> </li> <li>(c) for artificial water bodies, within 5 m of the wetted perimeter of the water body.</li> </ul> <p>This rule does not apply to vegetation clearance* and land disturbance* that is:</p> <ul style="list-style-type: none"> <li>(d) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (this is a permitted activity under Rule 12-1) or</li> <li>(e) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2).</li> </ul>	<p><b>Discretionary</b></p>	<p>(a) The activity shall not take place in any rare or threatened habitat*.</p>	
<p><b>12-6</b> <b>Vegetation clearance and land disturbance that do not comply with permitted and controlled activity rules</b></p>	<p>Any vegetation clearance* or land disturbance* pursuant to s 9 RMA that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule, but which is not expressly classified as a discretionary or non-complying activity.</p>	<p><b>Discretionary</b></p>		

### 12.3 Rules – Land-based Biodiversity Including Wetlands

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

	<p>subsections (a) to (d) in circumstances where:</p> <ul style="list-style-type: none"> <li>(e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or</li> <li>(f) they are carried out for the purposes of protecting or enhancing a rare or threatened habitat*, or</li> <li>(g) they are classified as a non-complying or prohibited activity under another rule</li> </ul> <p>in which case the other rules of this Plan relevant to the activities apply.</p>			