

HORIZONS REGIONAL COUNCIL

Land and Water Regional Plan 2003

LM Rule 2: Vegetation Clearance and Soil Disturbance is a **Permitted Activity** provided:

If this rules were to be retained, we suggest that the following conditions simply be slotted into the conditions of rule 12.2 – ie they would be rules that apply to ‘production forestry’, including the associated activities listed in the table in the ‘Activity’ column.

Our comments on the existing permitted activity conditions are as follows:

- a. the area of contiguous vegetation clearance, other than for the harvesting of plantation forest¹, does not exceed 2 hectares per annum; and
This conditions is fine with the industry, but doesn’t appear to fit particularly well with the new Horizons approach under Schedule E and rules relating to rare, threatened and at-risk habitats. A possible alternative is to include a rule protecting rare, threatened and at-risk habitats, but with an exclusion for minor unavoidable damage to indigenous areas – as was suggested in our evidence to the land hearing.

Eg: vegetation clearance does not take place with a Rare Habitat*, Threatened Habitat* or At-Risk Habitat*, except as a result of cable logging, engineering or stream crossings in production forestry* causing incidental damage or destruction of small patches, irregular protusions of larger areas or riparian segments of potential Rare Habitat, Threatened Habitat* or At-Risk Habitat* as defined in schedule E, where such habitats are embedded in the plantation and cannot be practically protected when following industry best practice:

- b. no vegetation clearance, other than the clearance of plantation forestry established prior to the date of this Plan becoming operative, occurs
- i. within 20 metres of any waterbody identified in Appendix 6²;
 - or
 - ii. within 5 metres of any other permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or any other wetland; and

This rule would be better amended to allow this activity as permitted – if there are trees within the riparian zone the Council should allow them to be harvested (the alternative is to leave them all to fall over) but specify that on replanting setbacks must be complied with – ie the Waikato Regional Council approach. The proposed rules (1 Dec version) relating to replanting would do the job. I do however note on that rule, it talks about ‘planting’ and yet the activity being controlled is the harvesting, so it should read ‘replanting’.
Planting itself is as far as I am aware not a controlled activity:

ie Any re-planting of production forest shall not occur on land that is within:

¹ There is no restriction on the size of plantation forest that can be harvested in any one year.

² Check with NZFM to see if there is an identified waterbody within the harvest block.

- (i) 5m of the bed of a river that either is permanently flowing or has a bed width greater than 2m:
or
- (ii) 5m of a natural wetland or the bed of a natural lake.

If the council is concerned about people undertaking new planting planting too close to streams, it could be amended along the lines of the original rule or the EW rule specifying that harvesting within 5m of streams is only permitted for trees planted prior to the date of the plan becoming operative.

- c. no cultivation shall occur within 5 metres of the bank of any waterbody identified in Appendix 6 or within 3 metres of the bank of any other permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake or any wetland unless bunding, silt traps, interception drains or other alternative methods³ to control runoff are installed prior to, and maintained during cultivation; and if these rules are to be only for production forestry then this is irrelevant as cultivation specifically excludes plantation forestry
- d. no soil disturbance, except as provided for by condition c. above, shall occur within 5 metres of the bank of any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake or any wetland; and generally ok except:
 - soil disturbance would need to be replaced with ‘land disturbance’ in line with terminology of the new plan.
 - would need an exclusion to allow for stream crossings
 - also need an exclusion for minor disturbance associated with felling trees in the riparian zone
 - the condition about rivers with a bed width of 2m is a bit ambiguous and doesn’t really reflect effects – all other Regional Plans just differentiate based on ephemeral and perennial

A suggested alternative:

No land disturbance*, shall occur within 5 metres of the bank of any permanently flowing river, lake or wetland, except:

- at stream crossings or
- as a result of harvesting of plantation forestry in the riparian zone, provided that disturbance is minimised as far as practicable.

- e. any area of ~~bare~~ disturbed ground (other than building sites, firebreaks, tracks, roads or forestry landings) is revegetated as necessary to protect from erosion as soon as practicable and no later than 18 months from the date of vegetation clearance or soil disturbance with species that provide equivalent land stabilisation; and Suggested minor amendments above – replacing ‘bare ground’ with ‘disturbed ground’ and adding the words ‘as necessary’ or similar to indicate it is only required where the land has the potential to erode – on a flat site bare land in itself creates no risk.

³ The Regional Plan for Beds of Rivers and Lakes and Associated Activities regulates the construction and placement of structures within the bed of a river, lake or wetland. Any alternative methods must also comply with the provisions of that Plan.

- f. water run-off controls are installed and maintained for building sites, tracks, roads or forestry landing sites; and [ok](#)
- g. batters, cuts and side castings are established by methods that prevent slumping; and [ok](#)
- h. trees are felled away from any permanently flowing river, ~~or any river with a bed width in excess of 2 metres, or any~~ lake, or any wetland other than where this would endanger the health and safety of site workers; and

[Suggest removing the 2m wide ephemeral as per previous reasoning, and minor amendment to apply to only perennial waterways.](#)

- i. slash, soil or debris from any vegetation clearance, soil disturbance or cultivation is not directly deposited into any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland; or left in a position where it may avalanche down any slope; and This contradicts with j below – one says you can't let it get in, the other specifies controls for removing? Suggested alternatives below.
- j. any pieces of slash greater than 10 cm stem diameter or greater than 2 metres in length that enter any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland are removed; and [Based on Brenda Baillie's \(Freshwater scientist at Scion\) slash PhD study, her primary advice is that it is the potentially mobile material that should be removed. The large material that is stable provides benefits, so specifying removal of large material is the wrong way around.](#)

[Suggested alternatives to \(i\) and \(j\) are as follows:](#)

- [Harvesting shall be planned and carried out so as to minimise the amount of slash that is deposited into perennially flowing rivers, lakes and wetlands](#)
- [Wherever practical slash must be removed from within all perennially flowing rivers, lakes and wetlands where it is blocking or damming of stream flow, diverting stream flow causing bank erosion, or has the potential to move off-site and damage downstream infrastructure.](#)
- [Slash shall not be left in a position where it may destabilise landings or avalanche down any slope.](#)

[These suggestions are based partly on the Environmental Code of Practice requirements, and partly on the second part of rule i, with input from Brenda Baillie \(refer accompanying email\).](#)

[An additional condition could be added along the lines that:](#)

[- where slash removal is not practical and there is a risk of slash mobilising, alternative measures such as the installation of slash traps should be considered, to contain the slash within the property.](#)

- k. [Wherever practical](#) felled vegetation is not dragged through any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland.

There will be situations where it is necessary to haul over permanently flowing rivers – if the heads brush the creek then presumably that could be taken to be dragging through. The addition of ‘Wherever practical’ at the start resolves this concern. This would still be enforceable as if a harvesting is pulling over a creek and it is queried by the Council staff, the harvester would need to be able to provide robust reasoning why it was necessary.

For the purpose of this rule: **‘slash’** means any branches, parts of trees or waste trees remaining as a result of vegetation clearance.
‘material’ means any vegetative or soil matter resulting from this activity ”

Suggest an additional rule at the start saying:

The activity is carried out in compliance with the New Zealand Environmental Code of Practice for Plantation Forestry