

Relevant rules from the Operative Waikato Regional Plan

5.1.4.11 Permitted Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance

1. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
2. Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
3. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;

are **permitted activities** subject to the conditions in Section 5.1.5. In addition 5.1.4.11(3) is subject to the following conditions:

- a. Provided that replanting of planted production forest does not occur within:
 - i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and
 - ii. ~~ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares~~
 - iii. ~~five metres on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope;~~

NB: ii and iii are specific Coromandel Peninsula rules

5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules

- a. Organic material shall not be placed in fill where its subsequent decomposition will lead to land instability.
- b. Erosion/sediment controls shall be installed and maintained on all earthworks during and on completion of the works to avoid the adverse effects of sediment on water bodies.
- c. Cut-offs or culverts shall be designed and installed to prevent scour, gullyng or other erosion.
- d. Any erosion or instability of the coastal environment, or the beds of rivers and lakes or wetlands shall be avoided or remedied if it does occur.
- e. The activity shall not result in neighbouring land becoming subject to flooding.

- f. All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of disturbed matter so that it does not result in:
 - i. the diversion, damming or blockage of any river or stream, or
 - ii. the passage of fish being impeded, or
 - iii. the destruction of any habitat in a water body or coastal water, or
 - iv. flooding or erosion.
- g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, 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.
- h. The concentration of suspended solids in any point source discharge arising from the activity shall comply with the suspended solids standards as set out in Method 3.2.4.6. This condition applies only to permitted activity rules and excludes any non-point source discharges from roading, tracking and vegetation clearance activities (refer condition o) below).
- i. Any discharge of contaminants into air arising from the activity shall comply with the permitted activity conditions in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.
- j. In the event of any waahi tapu that is not subject to g) above being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- k. No storage or mixing of fuels, oils, or agrichemicals shall be undertaken in areas where deliberate or inadvertent discharge is likely to enter any permanent natural surface water body.
- l. All vegetation that is being felled within five metres of a perennial water body shall be felled away from the water body, except edge vegetation, or vegetation leaning over a water body, which if necessary may be felled in accordance with safety practices.
- m. All exposed areas of soil resulting from the activity shall be stabilised against erosion by vegetative cover or other methods as soon as practical following completion of the activity and no later than six to twelve months from the date of disturbance to avoid the adverse effects of sediment on water bodies.
- n. The activity shall not be located within 20 metres of a Significant Geothermal Feature.

From here down the rules reflect the Waikato Region water classes so not particularly relevant – and in reality have not been implemented. When is a council officer ever out in a forest in the middle of a storm event with a sample bottle!

- o. The concentration of suspended solids in any non-point discharges from roading, tracking and vegetation clearance activities shall meet the following standards;
 - i. The activity or discharge shall not result in any of the following receiving water standards being breached:

- ii. in Waikato Region Surface class waters - 100 grams per cubic metre suspended solids concentration
- iii. in Indigenous Fisheries and Fish Habitat class waters - 80 grams per cubic metre suspended solids concentration
- iv. in Trout Fisheries and Trout Spawning Habitat class waters - 25 grams per cubic metre suspended solids concentration
- v. in Contact Recreation class waters - black disc horizontal visibility greater than 1.6 metres
- vi. in Natural State class waters - the activity or discharge shall not increase the concentration of suspended solids in the receiving water by more than 10 percent

Standard a) shall apply, except where the suspended solids concentration or black disc horizontal visibility in the receiving water is greater than the standards specified, at the time and location of discharge or of undertaking the activity. Then there shall not be any increase (i.e. further deterioration) in the receiving water suspended solids concentration or black disc horizontal visibility of more than 20% as a result of the activity or discharge.

The point at which compliance with this standard shall be measured is after reasonable mixing has occurred which in any instance does not exceed 200 metres from the point of discharge.

- p. Soil disturbance associated with the construction of a road or track within 20 metres of a culvert or bridge provided for in Rules 4.2.8.1, 4.2.8.2, 4.2.9.1, 4.2.9.2 and 4.2.9.3;
 - i. Shall not occur adjacent to Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Significant Trout Fisheries and Trout Habitat class waters during May to September inclusive; and,
 - ii. Shall be stabilised against erosion by vegetative cover or other methods as soon as practical following completion of the activity and no later than two months from the date of disturbance to avoid the adverse effects of sediment on water bodies; and
 - iii. The location of the proposed soil disturbance shall be notified to the Waikato Regional Council in writing at least 10 working days prior to commencing construction.

Advisory Note:

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Environment Waikato will follow in order to implement condition/standard and term j) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rule 7.6.6.1 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development

and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.