

## 13 Land Use Activities and Indigenous Biological Diversity

### 13.1 Land Use Activities

#### 13.1.1 Objectives

**Objective 13-1: 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*<sup>^</sup> and other physical resources of regional or national importance are avoided as far as reasonably practicable or otherwise remedied or mitigated, and
- (b) increased sedimentation in *water bodies*<sup>^</sup> as a result of human activity is avoided as far as reasonably practicable, or otherwise mitigated.

#### 13.1.2 Policies

**Policy 13-1: Regional rules<sup>^</sup> for vegetation clearance\*, land disturbance\*, forestry\* and cultivation\***

The Regional Council must:

- (a) regulate *vegetation clearance\**, *land disturbance\**, *forestry\** and *cultivation\** through *regional rules*<sup>^</sup> in accordance with Objectives 12-1, 12-2 and 13-1 and Policies 12-1 to 12-8, and
- (b) manage the *effects*<sup>^</sup> of *vegetation clearance\**, *land disturbance\** and *cultivation\** by requiring *resource consents*<sup>^</sup> for those activities:
  - (i) adjacent to some *water bodies*<sup>^</sup>,
  - (ii) involving the removal of some *woody vegetation\** in *Hill Country Erosion Management Areas\**,
  - (iii) involving *land disturbance\** or *cultivation\** in *Hill Country Erosion Management Areas\**,
  - (iv) involving large-scale *land disturbance\**, or
  - (v) within the *coastal foredune\**

**Policy 13-2: Consent decision-making for *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup> and *cultivation*<sup>\*</sup>**

For *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup> or *cultivation*<sup>\*</sup> and ancillary discharges to and diversions of surface *water*<sup>^</sup> that requires *resource consent*<sup>^</sup> under Rule 13-2, Rule 13-6 or Rule 13-7, the Regional Council must make decisions on consent applications and set consent *conditions*<sup>^</sup> on a case-by-case basis, having regard to:

- (a) the Regional Policy Statement, particularly Objective 4-2 and Policies 4-2 and 4-3,
- (b) managing the *effects*<sup>^</sup> of *land disturbance*<sup>\*</sup>, including large-scale earthworks, by requiring *Erosion and Sediment Control Plans*<sup>\*</sup> or other appropriate plans to be prepared,
- (b) managing the *effects*<sup>^</sup> of *forestry*<sup>\*</sup> by requiring sustainable *forestry*<sup>\*</sup> management practices to be adopted and *Erosion and Sediment Control Plans*<sup>\*</sup> or other appropriate plans to be prepared,
- (d) managing the *effects*<sup>^</sup> of *cultivation*<sup>\*</sup> on *water bodies*<sup>^</sup> through the use of sediment run-off control methods and setbacks from *water bodies*<sup>^</sup>,
- (e) the appropriateness of establishing *infrastructure*<sup>^</sup> and other physical resources of regional or national importance as identified in Policy 3-1,
- (f) generally allowing the clearance of *woody vegetation*<sup>\*</sup> on established pasture if that clearance will not lead to *accelerated erosion*<sup>\*</sup> or the increased sedimentation of *water bodies*<sup>^</sup>,
- (g) generally allowing activities that are for the purpose of managing *natural hazards*<sup>^</sup>, including the reduction of flood risk,
- (h) generally allowing *forestry*<sup>\*</sup> for soil conservation purposes,
- (i) generally allowing activities that result in improved *land*<sup>^</sup> stability or enhanced surface *water*<sup>^</sup> quality,
- (j) 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*<sup>^</sup> on *resource consents*<sup>^</sup>,
- (k) sediment and erosion control measures required to reasonably minimise adverse *effects*<sup>^</sup>, including those caused by rainfall and storm events, and
- (l) 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*<sup>^</sup> and other physical resources of regional or national importance, or *forestry*<sup>\*</sup>, provided any such consents are subject to *conditions*<sup>^</sup>, including review provisions, enabling *site*<sup>\*</sup>-specific matters to be addressed as necessary.

**Advice note:** The *rules*<sup>^</sup> in this *regional plan*<sup>^</sup> do not authorise the modification or disturbance of any archaeological or registered *waahi tapu*<sup>\*</sup> sites within the area of activity. Written authority from the Heritage New Zealand is required prior to any destruction, damage or modification of

an archaeological or registered *waahi tapu*\* site or an area where there is reasonable cause to suspect there is an archaeological site. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by the activity, written authorisation should be obtained from the Heritage New Zealand before any damage, modification or destruction is undertaken.

## 13.2 Indigenous Biological Diversity

### 13.2.1 Objective

#### **Objective 13-2: Regulation of activities affecting indigenous *biological diversity*<sup>^</sup>**

The regulation of resource use activities to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna or to maintain indigenous *biological diversity*<sup>^</sup>, including enhancement where appropriate.

### 13.2.2 Policies

#### **Policy 13-3: *Regional rules*<sup>^</sup> for activities affecting indigenous *biological diversity*<sup>^</sup>**

The Regional Council must require *resource consents*<sup>^</sup> to be obtained for *vegetation clearance*\*, *land disturbance*\*, *cultivation*\*, *bores*\*, *discharges*<sup>^</sup> of *contaminants*<sup>^</sup> into or onto *land*<sup>^</sup> or *water*<sup>^</sup>, taking, use, damming or diversion of *water*<sup>^</sup> and activities in the *beds*<sup>^</sup> of *rivers*<sup>^</sup> or *lakes*<sup>^</sup> within *rare habitats*\*, *threatened habitats*\* and *at-risk habitats*\*, and for *forestry*\* that does not minimise potential adverse *effects*<sup>^</sup> on those habitats, through *regional rules*<sup>^</sup> in accordance with Objectives 12-1, 12-2 and 13-2 and Policies 12-1 to 12-8.

#### **Policy 13-4: Consent decision-making for activities in *rare habitats*\*, *threatened habitats*\* and *at-risk habitats*\***

- (a) For activities regulated under Rule 13-8 and 13-9, the Regional Council must make decisions on consent applications and set consent *conditions*<sup>^</sup> on a case-by-case basis:
  - (i) For all activities, having regard to:
    - (A) the Regional Policy Statement, particularly Objective 6-1 and Policy 6-2,
    - (B) a *rare habitat*\* or *threatened habitat*\* is an area of significant indigenous vegetation or a significant habitat of indigenous fauna,
    - (C) the significance of the area of habitat, in terms of its representativeness, rarity and distinctiveness, and ecological context, as assessed under Policy 13-5,
    - (D) the potential adverse *effects*<sup>^</sup> of the proposed activity on significance, and
    - (E) for activities regulated under ss13, 14 and 15 RMA, the matters set out in Policy 13-2(k) and relevant objectives and policies in Chapters 5, 14, 16 and 17.

- (ii) For electricity transmission and renewable energy generation activities, providing for any national, regional or local benefits arising from the proposed activity.
- (b) Consent must generally not be granted for resource use activities 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 under Policy 13-5, unless:
  - (i) any more than minor adverse *effects*<sup>^</sup> on that habitat's representativeness, rarity and distinctiveness, or ecological context assessed under Policy 13-5 are avoided.
  - (ii) where any more than minor adverse *effects*<sup>^</sup> cannot reasonably be avoided, they are remedied or mitigated at the point where the adverse *effect*<sup>^</sup> occurs.
  - (iii) where any more than minor adverse *effects*<sup>^</sup> cannot reasonably be avoided, remedied or mitigated in accordance with (b)(i) and (ii), they are offset to result in a net indigenous *biological diversity*<sup>^</sup> gain.
- (c) Consent may be granted for resource use activities in an *at-risk habitat\** assessed not to be an area of significant indigenous vegetation or a significant habitat of indigenous fauna under Policy 13-5 when:
  - (i) there will be no significant adverse *effects*<sup>^</sup> on that habitat's representativeness, rarity and distinctiveness, or ecological context as assessed in accordance with Policy 13-5, or
  - (ii) any significant adverse *effects*<sup>^</sup> are avoided.
  - (iii) where any significant adverse *effects*<sup>^</sup> cannot reasonably be avoided, they are remedied or mitigated at the point where the adverse effect occurs.
  - (iv) where significant adverse *effects*<sup>^</sup> cannot reasonably be avoided, remedied or mitigated in accordance with (c)(ii) and (iii), they are offset to result in a net indigenous *biological diversity*<sup>^</sup> gain.
- (d) An offset assessed in accordance with b(iii) or (c)(iv), must:
  - (i) provide for a net indigenous *biological diversity*<sup>^</sup> gain within the same habitat type, or where that habitat is not an area of significant indigenous vegetation or a significant habitat of indigenous fauna, provide for that gain in a *rare habitat\** or *threatened habitat\** type, and
  - (ii) reasonably demonstrate that a net indigenous *biological diversity*<sup>^</sup> gain has been achieved using methodology that is appropriate and commensurate to the scale and intensity of the residual adverse *effect*<sup>^</sup>, and
  - (iii) generally be in the same ecologically relevant locality as the affected habitat, and
  - (iv) not be allowed where inappropriate for the ecosystem or habitat type by reason of its rarity, vulnerability or irreplaceability, and
  - (v) have a significant likelihood of being achieved and maintained in the long term and preferably in perpetuity, and
  - (vi) achieve conservation outcomes above and beyond that which would have been achieved if the offset had not taken place.

**Policy 13-5: Criteria for assessing the significance of, and the effects<sup>^</sup> of activities on, an area of habitat**

- (a) *Rare habitats\** are areas of significant indigenous vegetation or significant habitats of indigenous fauna under criterion (ii)(E) below. *Threatened habitats\** are areas of significant indigenous vegetation or significant habitats of indigenous fauna under criterion (i)(A) below. An area of *rare habitat\** or *threatened habitat\** may also be an area of significant indigenous vegetation or significant habitat of indigenous fauna under one or more of the other criteria below. An *at-risk habitat\** may be recognised as being an area of significant indigenous vegetation or a significant habitat of indigenous fauna if one or more of the following criteria are met:
- (i) in terms of representativeness, that habitat:
    - (A) comprises indigenous habitat type that is under-represented (20% or less of known or likely former cover), or
    - (B) is an area of indigenous vegetation that is typical of the habitat type in terms of species composition, structure and diversity, or that is large relative to other areas of the same habitat type in the Ecological District or Ecological Region, or has functioning ecosystem processes.or
  - (ii) in terms of rarity and distinctiveness, that habitat supports an indigenous species or community that:
    - (A) is classified as threatened (as determined by the *New Zealand Threat Classification System and Lists\**), or
    - (B) is distinctive to the Region, or
    - (C) is at a natural distributional limit, or
    - (D) has a naturally disjunct distribution that defines a floristic gap, or
    - (E) was originally (ie., prehuman) uncommon within New Zealand, and supports an indigenous species or community of indigenous species.or
  - (iii) in terms of ecological context, that habitat provides:
    - (A) connectivity (physical or process connections) between two or more areas of indigenous habitat, or
    - (B) an ecological buffer (provides protection) to an adjacent area of indigenous habitat (terrestrial or aquatic) that is ecologically significant, or
    - (C) part of an indigenous ecological sequence or connectivity between different habitat types across a gradient (eg., altitudinal or hydrological), or
    - (D) important breeding areas, seasonal food sources, or an important component of a migration path for indigenous species, or
    - (E) habitat for indigenous species that are dependent on large and contiguous habitats.

- (b) The potential adverse *effects*<sup>^</sup> of an activity on a *rare habitat*<sup>\*</sup>, *threatened habitat*<sup>\*</sup> or *at-risk habitat*<sup>\*</sup> must 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 any additional ecological values and to the ecological sustainability of that habitat.

### 13.3 Rules - *Vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *forestry*<sup>\*</sup> and *cultivation*<sup>\*</sup> and indigenous biological diversity

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>13-1</b> <b>Small-scale land disturbance</b><sup>*</sup></p>	<p>Except as regulated by Rules 13-6, 13-8 and 13-9, any <i>land disturbance</i><sup>*</sup> pursuant to s9(2) RMA of a total area up to 2500 m<sup>2</sup> per <i>property</i><sup>*</sup> per 12-month period and any ancillary:</p> <p>(a) diversion of <i>water</i><sup>^</sup> pursuant to s14(2) RMA on the <i>land</i><sup>^</sup> where the <i>land disturbance</i><sup>*</sup> is undertaken, or</p> <p>(b) <i>discharge</i><sup>^</sup> of sediment into <i>water</i><sup>^</sup> pursuant to s15(1) RMA resulting from the <i>land disturbance</i><sup>*</sup>.</p>	<p><b>Permitted</b></p>	<p>(a) The activity must not take place on <i>land</i><sup>^</sup> that is within a <i>coastal foredune</i><sup>*</sup>.</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><sup>^</sup> to <i>water</i><sup>^</sup> must be installed prior to, and maintained during, the <i>land disturbance</i><sup>*</sup> activity</p> <p>(c) Any ancillary discharge of sediment into <i>water</i><sup>^</sup> must not, after reasonable mixing, cause the receiving <i>water body</i><sup>^</sup> to breach the water quality standards for visual clarity set out in Schedule E for that <i>water body</i><sup>^</sup>.</p> <p>(d) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 5 m of:</p> <p>(i) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is permanently flowing,</p> <p>(ii) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is not permanently flowing and has an <i>active bed</i><sup>*</sup> width greater than 1 m,</p> <p>(iii) the <i>bed</i><sup>^</sup> of a <i>lake</i><sup>^</sup>.</p> <p>(e) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 10 m of:</p> <p>(i) A <i>wetland</i><sup>^</sup> as identified in Schedule F,</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule B,</p> <p>(iii) Sites of Significance - Aquatic as identified in Schedule B.</p>	

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<p><b>13-2</b> <b>Large-scale land disturbance*, including earthworks</b></p>	<p>Except as regulated by Rules 13-6, 13-8 and 13-9, any <i>land disturbance*</i> pursuant to s9(2) RMA of a total area greater than 2500 m<sup>2</sup> 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><b>Controlled</b></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) 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 E 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 F,</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule B,</p> <p>(iii) Sites of Significance - Aquatic as identified in Schedule B.</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> <p><b>Advice Note:</b></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>

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<p><b>13-3</b> <b>Forestry*</b></p>	<p>Except as regulated by Rule 13-8 and 13-9, any <i>forestry*</i> pursuant to s9(2) RMA, and any ancillary:</p> <p>(a) disturbance of the <i>bed^</i> of a <i>river^</i> or <i>lake^</i> pursuant to s13(1) RMA by <i>forestry*</i>, or</p> <p>(b) diversion of <i>water^</i> pursuant to s14(2) RMA on the <i>land^</i> (but not within a <i>river^</i>) where the <i>forestry*</i> is undertaken, or</p> <p>(c) <i>discharge^</i> of sediment or <i>slash*</i> into <i>water^</i> or onto or into <i>land^</i> that may enter <i>water^</i> pursuant to s15(1) or 15(2A) RMA resulting from the <i>forestry*</i>.</p>	<p><b>Permitted</b></p>	<p>(a) The activity must not take place on <i>land^</i> that is within a <i>coastal foredune*</i>.</p> <p>(b) Any earthworks, the formation of any <i>new track*</i> and any planting or replanting of <i>forestry*</i> trees 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>lake^</i></p> <p>(iii) a <i>rare habitat*</i>, <i>threatened habitat*</i> or <i>at-risk habitat*</i>.</p> <p>unless the <i>new track*</i> or earthworks in (b)(i) or (b)(ii) is:</p> <p>(A) necessary to connect to and from a formed <i>river*</i> crossing point that is a consented or permitted activity, and/or</p> <p>(B) for the purpose of the <i>maintenance*</i> or <i>upgrade*</i> of an existing <i>track*</i> or earthwork.</p> <p>(c) Any new planting of <i>forestry*</i> trees and associated formation of any <i>new track*</i> or earthworks must not occur on <i>land*</i> that is in, or within 10 m of <i>wetland^</i> habitat types (including <i>lakes^</i>) as defined in Schedule F.</p> <p>(d) Any earthworks or the formation of any <i>new track*</i> must not occur on <i>land^</i> that is in, or within 10 m of a reach of a <i>river^</i> or its <i>bed^</i> with a Schedule B Value of Trout Spawning or Trout Fishery, unless the <i>new track*</i> or earthworks is:</p> <p>(A) necessary to connect to and from a formed <i>river*</i> crossing point that is a consented or permitted activity, and/or</p> <p>(B) for the purpose of the <i>maintenance*</i> or <i>upgrade*</i> of an existing <i>track*</i> or earthwork.</p> <p>(e) If any <i>rare habitat*</i>, <i>threatened habitat*</i> or <i>at-risk habitat*</i> is present within 5 m of an area of <i>forestry*</i> prior to undertaking harvesting an <i>Operational Plan*</i>, detailing</p>	



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			<p>measures taken to avoid or mitigate adverse <i>effects</i><sup>^</sup> on these areas, must be prepared and submitted to the Regional Council at least 48 hours prior to harvesting commencing and the <i>Operational Plan</i><sup>*</sup> must be complied with.</p> <p>(f) Any area of <i>forestry</i><sup>*</sup> that is harvested (other than firebreaks, <i>tracks</i><sup>*</sup>, landing <i>sites</i><sup>*</sup> or areas in (a) and (b)) must 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.</p> <p>(g) <i>Water</i><sup>^</sup> run-off controls must be installed and maintained for <i>tracks</i><sup>*</sup> and landing <i>sites</i><sup>*</sup>.</p> <p>(h) Batters, cuts and side castings must be established by methods that prevent slumping.</p> <p>(i) Felled vegetation must be felled away from and not be dragged through any <i>water body</i><sup>^</sup> other than where this is necessary to avoid endangering the health and safety of workers, or where it is unavoidable and is the best harvest method such as, but not limited to, hauling through corridors or butt extraction, and</p> <p>(i) any <i>discharge</i><sup>^</sup> resulting from the activity must not, after reasonable mixing, breach the water quality standards for change in visual clarity identified for that <i>water body</i><sup>^</sup> set out in Schedule E, and</p> <p>(ii) the activity must not occur in a <i>water body</i><sup>^</sup> with a Trout Spawning value identified in Schedule B during the trout spawning season (1 May to 30 September inclusive), and</p> <p>(iii) the activity must not occur in a <i>water body</i><sup>^</sup> greater than 5 m in width, and</p> <p>(iv) the activity must not occur in an area listed in (b) (iii).</p> <p>(j) Harvesting must be planned and carried out so as to</p>	

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			<p>minimise the amount of <i>slash*</i> <i>discharging</i><sup>^</sup> into any area listed in (b)(i) and (ii) and entering any area listed in (b)(iii).</p> <p>(k) <i>Slash*</i> must be removed from within areas listed in (b)(i) where it is blocking <i>river</i><sup>^</sup> flow, or is diverting <i>river</i><sup>^</sup> flow and causing bank erosion.</p> <p>(l) <i>Slash*</i> associated with landing <i>sites*</i> and processing <i>sites*</i> must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.</p> <p>(m) The use of mobile machinery in or on the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> with a Schedule B Value of Trout Spawning in a manner that disturbs the <i>bed</i><sup>^</sup> of the active flowing channel must not take place during the trout spawning season (1 May to 30 September inclusive).</p> <p>(n) The use of mobile machinery in or on the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> with a Schedule B Value of whitebait migration in a manner that disturbs the <i>bed</i><sup>^</sup> of the active flowing channel must not take place 15 August to 30 November (inclusive).</p> <p>(o) The activity must be undertaken in accordance with an <i>Erosion and Sediment Control Plan*</i> which must be submitted to the Regional Council upon request.</p> <p>(p) Any <i>discharge</i><sup>^</sup> resulting from the activity must not, after reasonable mixing, breach the water quality standards for change in visual clarity identified for that <i>water body</i><sup>^</sup> set out in Schedule E.</p> <p>(q) Regional Council must be notified at least 48 hours prior to the activity commencing.</p>	
<p><b>13-4</b> <b>Cultivation*</b></p>	<p>Except as regulated by Rules 13-6, 13-8 and 13-9, any <i>cultivation*</i> and ancillary <i>land disturbance*</i> for the purposes of constructing erosion and sediment control methods to minimise sediment</p>	<p><b>Permitted</b></p>	<p>(a) The activity must not take place on <i>land</i><sup>^</sup> that is within a <i>coastal foredune*</i>.</p> <p>(b) Bunding, silt traps, interception drains or other alternative methods to minimise sediment run-off to <i>water</i><sup>^</sup> must be installed prior to and maintained during</p>	

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	<p>run-off into <i>water</i><sup>^</sup> pursuant to s9(2) RMA and any ancillary:</p> <p>(a) diversion of <i>water</i><sup>^</sup> pursuant to s14(2) RMA on the <i>land</i><sup>^</sup> where the <i>cultivation</i><sup>*</sup> is undertaken, or</p> <p>(b) <i>discharge</i><sup>^</sup> of sediment into <i>water</i><sup>^</sup> pursuant to s15(1) RMA resulting from the <i>cultivation</i><sup>*</sup> or the use of ancillary erosion and sediment control methods to minimise sediment run-off into <i>water</i><sup>^</sup>.</p>		<p><i>cultivation</i><sup>*</sup>.</p> <p>(c) Any ancillary <i>discharge</i><sup>^</sup> of sediment into <i>water</i><sup>^</sup> must not, after reasonable mixing, cause the receiving <i>water body</i><sup>^</sup> to breach the water quality standards for visual clarity set out in Schedule E for that <i>water body</i><sup>^</sup>.</p> <p>(d) For vegetable crops listed within the Commodity Levies (Vegetables and Fruit) Order 2007 a paddock assessment must be undertaken in accordance with the Code of Practice for Commercial Vegetable Growing in the Horizons Region (Horticulture New Zealand) Version 2010/2.</p> <p>(e) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 5 m of:</p> <p>(i) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is permanently flowing,</p> <p>(ii) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is not permanently flowing and has an <i>active bed</i><sup>*</sup> width greater than 1 m,</p> <p>(iii) the <i>bed</i><sup>^</sup> of a <i>lake</i><sup>^</sup>.</p> <p>(f) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 10 m of:</p> <p>(i) A <i>wetland</i><sup>^</sup> as identified in Schedule F,</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule B,</p> <p>(iv) Sites of Significance - Aquatic as identified in Schedule B.</p> <p><b>Advice Note:</b> Examples of alternative methods for minimising sediment run-off can be found in the Code of Practice for Commercial Vegetable Growing in the Horizons Region (Horticulture New Zealand).</p>	
<p><b>13-5</b> <b>Vegetation Clearance*</b></p>	<p>Except as regulated by Rules 13-6, 13-8 and 13-9, any <i>vegetation clearance</i><sup>*</sup> pursuant to s9(2) RMA and any ancillary:</p>	<p><b>Permitted</b></p>	<p>(a) The activity must not take place on <i>land</i><sup>^</sup> that is within a <i>coastal foredune</i><sup>*</sup>.</p> <p>(b) Any ancillary <i>discharge</i><sup>^</sup> of sediment into <i>water</i><sup>^</sup> must</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(a) diversion of <i>water</i><sup>^</sup> pursuant to s14(2) RMA on the <i>land</i><sup>^</sup> where the <i>vegetation clearance</i><sup>*</sup> is undertaken,</p> <p>(b) <i>discharge</i><sup>^</sup> of sediment into <i>water</i><sup>^</sup> pursuant to s15(1) RMA resulting from the <i>vegetation clearance</i>.</p>		<p>not, after reasonable mixing, cause the receiving <i>water body</i><sup>^</sup> to breach the water quality standards for visual clarity set out in Schedule E for that <i>water body</i><sup>^</sup>.</p> <p>(c) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 5 m of:</p> <p>(i) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is permanently flowing</p> <p>(ii) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is not permanently flowing and has an <i>active bed</i><sup>*</sup> width greater than 1 m</p> <p>(iii) the <i>bed</i><sup>^</sup> of a <i>lake</i><sup>^</sup>.</p> <p>(d) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 10 m of:</p> <p>(i) A <i>wetland</i><sup>^</sup> as identified in Schedule F</p> <p>(ii) Sites valued for Trout Spawning as identified in Schedule B</p>	
<p><b>13-6</b> <b>Specified vegetation clearance*, land disturbance* or cultivation* in a Hill Country Erosion Management Area*</b></p>	<p>Pursuant to s9(2) RMA, except as regulated by Rule 13-8 and 13-9, any:</p> <p>(a) <i>land disturbance</i><sup>*</sup> of more than 100 m<sup>2</sup> per <i>property</i><sup>*</sup> per 12-month period, or</p> <p>(b) <i>vegetation clearance</i><sup>*</sup> of 1 ha or greater per <i>property</i><sup>*</sup> 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><sup>*</sup>, undertaken within a <i>Hill Country Erosion Management Area</i><sup>*</sup> and any ancillary:</p> <p>(a) diversion of <i>water</i><sup>^</sup> pursuant to s14(2) RMA on the <i>land</i><sup>^</sup> where the <i>vegetation clearance</i><sup>*</sup>, <i>land disturbance</i><sup>*</sup> or <i>cultivation</i><sup>*</sup> is undertaken, or</p>	<p><b>Restricted Discretionary</b></p>	<p>(a) The activity must not take place on <i>land</i><sup>^</sup> that is within a <i>coastal foredune</i><sup>*</sup>.</p> <p>(b) The activity must not occur on <i>land</i><sup>^</sup> that is in, or within 10 m of:</p> <p>(i) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is permanently flowing,</p> <p>(ii) the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is not permanently flowing and has an <i>active bed</i><sup>*</sup> width greater than 1 m,</p> <p>(iii) the <i>bed</i><sup>^</sup> of a <i>lake</i><sup>^</sup>,</p> <p>(iv) a <i>wetland</i><sup>^</sup> as identified in Schedule F,</p> <p>(v) sites valued for Trout Spawning as identified in Schedule B,</p> <p>(vi) Sites of Significance - Aquatic as identified in Schedule B.</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><sup>^</sup> of the activity and associated sediment run-off on soil conservation, surface <i>water</i><sup>^</sup> 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><sup>*</sup>, 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>(d) the provision of greater setback distances from <i>water bodies</i><sup>^</sup> than those specified under condition (b) to provide greater protection to a <i>water body</i><sup>^</sup> if required,</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(b) <i>discharge</i> <sup>^</sup> of sediment into <i>water</i> <sup>^</sup> pursuant to s15(1) RMA resulting from the <i>vegetation clearance</i> <sup>*</sup> , <i>land disturbance</i> <sup>*</sup> or <i>cultivation</i> <sup>*</sup> .			<p>(e) the extent of non-compliance with the <i>water quality target</i><sup>*</sup> for visual clarity set out in Schedule E,</p> <p>(f) duration of consent,</p> <p>(g) review of consent <i>conditions</i><sup>^</sup>,</p> <p>(h) compliance monitoring.</p> <p><i>Resource consent</i><sup>^</sup> applications under this <i>rule</i><sup>^</sup> will not be notified and written approval of affected persons will not be required (notice of applications need not be <i>served</i><sup>^</sup> on affected persons).</p> <p><b>Advice Note:</b> 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>
<p><b>13-7</b> <b>Vegetation clearance<sup>*</sup>, land disturbance<sup>*</sup>, cultivation<sup>*</sup> or forestry<sup>*</sup> that does not comply with Rules 13-1 to 13-6</b></p>	<p>Except as regulated by Rule 13-8 and 13-9, any <i>vegetation clearance</i><sup>*</sup>, <i>land disturbance</i><sup>*</sup>, <i>cultivation</i><sup>*</sup> or <i>forestry</i><sup>*</sup> pursuant to s9(2) RMA that does not meet the <i>conditions</i><sup>^</sup>, standards or terms of Rules 13-1, 13-2, 13-3, 13-4, 13-5 or 13-6 and any ancillary:</p> <p>(a) disturbance of the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> or <i>lake</i><sup>^</sup> by <i>forestry</i><sup>*</sup> authorised by those <i>rules</i><sup>^</sup> pursuant to s13(1)</p>	<p><b>Discretionary</b></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>RMA</p> <p>(b) diversion of <i>water</i><sup>^</sup> authorised by those <i>rules</i><sup>^</sup> pursuant to s14(2) RMA, or</p> <p>(c) <i>discharge</i><sup>^</sup> of sediment or <i>slash</i><sup>*</sup> authorised by those <i>rules</i><sup>^</sup> pursuant to s15(1) RMA.</p>			
<p><b>13-8</b></p> <p><b>Some activities within <i>at-risk</i> habitats*</b></p>	<p>Except as regulated by Rules 14-5, 14-13, 14-24, 16-9, 17-2, 17-4, 17-5, 17-7 in relation to any existing small dam <i>structure</i><sup>^</sup>, 17-14 and 17-15, any of the following activities within an <i>at-risk</i> <i>habitat</i><sup>*</sup>:</p> <p>(a) <i>vegetation clearance</i><sup>*</sup>, <i>land disturbance</i><sup>*</sup> or <i>cultivation</i><sup>*</sup> pursuant to s9(2) RMA</p> <p>(b) <i>forestry</i><sup>*</sup> pursuant to s9(2) RMA that does not meet <i>condition</i><sup>^</sup>, standard or term of Rule 13-3(b)(iii) or (e)</p> <p>(c) the drilling, construction or alteration of any <i>bore</i><sup>*</sup> pursuant to s9(2) RMA</p> <p>(d) activities restricted by s13(1) or s13(2) RMA in the <i>beds</i><sup>^</sup> of <i>rivers</i><sup>^</sup> or <i>lakes</i><sup>^</sup></p> <p>(e) the taking, using, damming or diverting of <i>water</i><sup>^</sup> pursuant to s14(2) RMA</p> <p>(f) <i>discharge</i><sup>^</sup> of <i>water</i><sup>^</sup> or <i>contaminants</i><sup>^</sup> into <i>water</i><sup>^</sup> or onto or into <i>land</i><sup>^</sup> pursuant to s15(1) or s15(2A) RMA.</p> <p>This rule does not apply to activities described in paragraphs (a) to (f) where</p>	<p><b>Discretionary</b></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	they are carried out for the purposes of protecting or enhancing the habitat, including the control of pest animals and pest plants.			
<p><b>13-9</b>  <b>Some activities within rare habitats* and threatened habitats</b></p>	<p>Except as regulated by Rules 14-5, 14-13, 14-24, 16-9, 17-2, 17-4, 17-5, 17-7 in relation to any existing small dam structure<sup>^</sup>, 17-14 and 17-15, any of the following activities within a rare habitat*, threatened habitat*:</p> <ul style="list-style-type: none"> <li>(a) <i>vegetation clearance*</i>, <i>land disturbance*</i> or <i>cultivation*</i> pursuant to s9(2) RMA</li> <li>(b) <i>forestry*</i> pursuant to s9(2) RMA that does not meet <i>condition</i><sup>^</sup>, standard or term of Rule 13-3 (b)(iii) or (e)</li> <li>(c) the drilling, construction or alteration of any <i>bore*</i> pursuant to s9(2) RMA</li> <li>(d) activities restricted by s13(1) or s13(2) RMA in the <i>beds</i><sup>^</sup> of <i>rivers</i><sup>^</sup> or <i>lakes</i><sup>^</sup></li> <li>(e) the taking, using, damming or diverting of <i>water</i><sup>^</sup> pursuant to s14(2) RMA</li> <li>(f) <i>discharge</i><sup>^</sup> of <i>water</i><sup>^</sup> or <i>contaminants</i><sup>^</sup> into <i>water</i><sup>^</sup> or onto or into <i>land</i><sup>^</sup> pursuant to s15(1) or s15(2A) RMA.</li> </ul> <p>This rule does not apply to activities described in paragraphs (a) to (f) where they are carried out for the purposes of protecting or enhancing the habitat, including the control of pest animals and pest plants.</p>	<p><b>Non-Complying</b></p>		

