


5.4 Land use

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. ~~This does not apply w~~Where a proposal includes a number of activities which trigger separate specific rules. ~~In that case,~~ all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 Provisions relevant to the coastal marine area are identified by this icon .

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Land use	Page	P	C	RD	D	NC	Pr
Cultivation and break-feeding	454 182						
Rule R94: Cultivation or tilling of land	454 182	•					
Rule R95: Break-feeding	454 183	•					
Rule R96: Cultivation and break-feeding	454 183				•		
Livestock exclusion	454 183						
Rule R97: Access to the beds of surface water bodies by livestock <u>Livestock access to a surface water body or the coastal marine area</u>	454 185	•					
Rule R98 Livestock access to the beds of a surface water body <u>Livestock access to the beds of a surface water body or the coastal marine area (excluding any Category 1 surface water body)</u>	453 186				•		

Rules – Land use	Page	P	C	RD	D	NC	Pr
Rule R98A: Livestock access to any Category 1 surface water body – non complying	186					•	
Earthworks and vegetation clearance	453 186						
Rule R99: Earthworks	453 186	•					
Rule R100: Vegetation clearance on erosion prone land	453 187	•					
Rule R101: Earthworks and vegetation clearance	454 188				•		
Plantation forestry	454 188						
Rule R102: Plantation forestry harvesting on erosion prone land	454 188	•					
Rule R103: Plantation forestry harvesting	455 189		•				

5.4.1 Land use other methods

The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M7, M8, M9, M10, M11, M12, M14, M17, M19, M20, M25, M26, M27 and M28.

5.4.2 Cultivation and break-feeding

Rule R94: Cultivation ~~or tilling~~ of land – permitted activity

The use of land for **cultivation** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **cultivation** on land with slope of more than 3 degrees shall not occur within 5m of the bed of a surface water body or the coastal marine area, and or
- (b) cultivation on land with slope of 3 degrees or less shall not occur within 2m of the bed of a surface water body or the coastal marine area, and the land between the cultivated land and the bed of a surface water body or the coastal marine area shall be in pasture or other groundcover vegetation throughout the period of cultivation; and
- ~~(b)~~(c) **cultivation** is undertaken along the contour of the land, where reasonably practicable, and
- ~~(e)~~(d) sediment laden any discharge surface water resulting from land subject to cultivation does not flow to a surface water body. shall not, outside the zone of reasonable mixing in a surface water body or the coastal marine area, result in any of the following effects in receiving waters;
 - (i) a conspicuous change in colour or visual clarity;
 - (ii) the rendering of fresh water unsuitable for consumption by animals;

(iii) any significant adverse effect on aquatic life.

Rule R95: Break-feeding – permitted activity

The use of land for **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **break-feeding** on land with slope of more than 3 degrees shall not ~~occur~~ be within 5m of the bed of a surface water body or the coastal marine area, and
- (b) **break-feeding** on land with slope of 3 degrees or less shall not be within 2m of the bed of a surface water body or the coastal marine area, and the land between the land used for break-feeding and the bed of a surface water body or the coastal marine area shall be in pasture or other groundcover vegetation, and not be grazed or cultivated throughout the period that the land adjacent is used for break-feeding, and
- ~~(b)~~(c) sediment laden any discharge to a surface water body ~~surface water resulting from land used for break-feeding does not flow to a surface water body.~~ shall not, outside of the zone of reasonable mixing in a surface water body or the coastal marine area, result in any of the following effects in receiving waters:
 - (i) a conspicuous change in colour or visual clarity;
 - (ii) the rendering of fresh water unsuitable for consumption by animals;
 - (iii) any significant adverse effect on aquatic life.

Rule R96: Cultivation and break-feeding – discretionary activity



The use of land for **cultivation** ~~and~~ or break-feeding and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, that is not permitted by Rule R94 or Rule R95 is a discretionary activity.

5.4.3 Livestock ~~exclusion~~ access

~~Rule R97: Access to the beds of surface water bodies by livestock – permitted activity~~



~~The use of land for access by livestock to the bed, including banks, and the disturbance of the bed and banks and the discharge of associated sediment and excreta to a surface water body is a permitted activity, provided the following conditions are met:~~

- ~~(a) the access does not result in significant pugging of the bed (including the banks) of a lake or river other than at a stock crossing point, and~~

- ~~(b) the access does not cause a conspicuous change in colour or visual clarity within a site with significant **mana whenua** values identified in Schedule C (mana whenua), and~~
- ~~(c) the access does not cause a conspicuous change in colour or visual clarity beyond the **zone of reasonable mixing** in all other locations, and~~
- ~~(d) from seven years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), access by cattle (including **dairy cows**), farmed deer and farmed pigs within **Category 2 surface water bodies**, and **dairy cows** within rivers that have an active bed width of 1m or wider can occur where:

 - ~~(i) there is no flowing or ponded water within the bed at the time and location of the access, and~~
 - ~~(ii) other than at a **stock crossing point** the access does not result in significant pugging of the bed (including the banks) of a lake or river,~~

~~or~~

 - ~~(iii) there is flowing or ponded water within the bed, and the access is only for the purpose of crossing at a **stock crossing point**, and~~
 - ~~(iv) the **stock crossing point** is associated with a maintained access track, and~~
 - ~~(v) the access for the purpose of crossing at a **stock crossing point** occurs no more than twice in any month, and~~
 - ~~(vi) the **livestock** are actively crossing,~~

~~and~~~~
- ~~(e) from three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015):

 - ~~(i) within a **significant natural wetland** listed in Schedule F3 (significant wetlands) **livestock** access is limited to sheep, and~~
 - ~~(ii) with the exception of (vii) above, there is no **livestock** access within **Category 1 surface water bodies**.~~~~

Note

Fencing is one method of managing **livestock** access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.

Rule R97: Livestock access to a surface water body-or the coastal marine area– permitted activity



Livestock access to a **surface water body** or the coastal marine area, and any associated discharge to water, is a permitted activity provided the following conditions are met:

(a) From 31 July 2019, there shall be no **livestock** access to a **Category 1 surface water body**, except that sheep may have access to a **significant natural wetland** listed in Schedule F3 (significant wetlands).

(b) From 31 July 2022, access by:

(i) **livestock to a Category 2 surface water body**, ~~or~~ and

(ii) **dairy cows** to a river that is not a **Category 1 or Category 2 surface water body** and has an **active bed** width of 1 metre or wider,

may occur provided;

a. there is no surface water present at the time and location of the access; or

b. if there is surface water present, the access is only at a **stock crossing point** that complies with condition (d).

(c) At all times, **livestock** access to a **surface water body** or the coastal marine area shall not result in:

(i) a conspicuous change in colour or visual clarity of water;

a. in a site with significant **mana whenua** values identified in Schedule C (mana whenua); or

b. in a **natural wetland**, lake, estuary or the coastal marine area; or

c. beyond the **zone of reasonable mixing** in a river; or

(ii) pugging or de-vegetation that exposes bare earth; or

(iii) cattle, farmed deer or farmed pigs being left unattended in, or not being actively moved through, a **natural wetland**, estuary or the coastal marine area.


(d) A **stock crossing point** on a river, open drain, water race or lake shall:

(i) be not more than 20m wide, and

- (ii) be perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the bed or adjoining land, and
- (iii) align with a constructed track or raceway on either side of the **stock crossing point**, and
- (iv) not be used to allow cattle, farmed deer or farmed pigs to be left unattended in, or not actively moved through, the water body, and
- (v) not be used more frequently than twice in any month.

Note

Fencing is one method of managing **livestock** access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.

Rule R98: Livestock access to ~~the beds of a surface water body~~ies or the coastal marine area (excluding any Category 1 surface water body) – discretionary activity 

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, land for access by any from **livestock** access to the bed (including the banks), and the disturbance of the bed and discharge of sediment and excreta to a ~~surface water body~~ that does not comply with is not permitted by condition (b), (c) or (d) of Rule R97, is a discretionary activity.

Rule R98A: Livestock access to any **Category 1 surface water body** – non complying

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (a) of Rule R97, is a non complying activity.

5.4.4 Earthworks and vegetation clearance

Rule R99: Earthworks– permitted activity

The use of land, and the associated discharge of sediment-laden runoff stormwater into water or onto or into land where it may enter water from **earthworks** of up to a total contiguous area up to of 3,000m² per **property** per 12 month period is a permitted activity, provided the following conditions are met:

- (a) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and
- (c) work areas are **stabilised** within six months after the completion of the **earthworks**.

- (d) any **earthworks** shall not, after the **zone of reasonable mixing**, Result in any of the following effects in receiving waters
- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (e) earthworks shall not occur within 5m of a surface water body except for activities permitted by Rule R114 or Rule R115.

Note

Rule R99 does not control any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule R100: Vegetation clearance on erosion prone land – permitted activity

The use of land, and the associated discharge of sediment-laden runoff stormwater into water or onto or into land where it may enter water from **vegetation clearance** ~~of up to~~ a total contiguous area ~~up to~~ of 2ha per **property** per 12 month period on **erosion prone land** is a permitted activity, provided the following conditions are met:

- (a) any soil or debris from the **vegetation clearance** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) any soil disturbances associated with the **vegetation clearance** shall not after the **zone of reasonable mixing**, Result in any of the following effects in receiving waters
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (c) vegetation clearance shall not occur within 5m of a surface water body except for activities permitted by Rule R114 or Rule R115.

Notes:

- (a) Vegetation clearance is also controlled by provisions in district plans and bylaws, and the Electricity (Hazards from Trees) Regulations 2003.
- (b) Rule R100 does not control any **vegetation clearance** or vegetation disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule R101: Earthworks and vegetation clearance – discretionary activity



The use of land, and the associated discharge of sediment-laden runoff stormwater into water or onto or into land where it may enter water from **earthworks not permitted by Rule R99** or **vegetation clearance on erosion prone land** that is not permitted by ~~Rule R99~~ or Rule R100 is a discretionary activity.

Note:

Rule R101 does not control any **earthworks** or **vegetation clearance** covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

5.4.5 Plantation forestry

~~Rule R102: Plantation forestry harvesting on erosion prone land – permitted activity~~

~~The use of land, and the discharge of sediment-laden runoff stormwater into water or onto or into land where it may enter water from **plantation forestry harvesting on erosion prone land** is a permitted activity, provided the following conditions are met:~~

- ~~(a) a harvest plan shall be prepared in accordance with Schedule O (forestry plan) and submitted to the Wellington Regional Council 20 working days prior to the **plantation forestry harvesting**, and~~
- ~~(b) disturbed vegetation or soil is not placed where it can dam or divert a **surface water body**, and~~
- ~~(b) when **harvesting** occurs across a **surface water body**, all disturbed vegetation, soil or debris must be deposited or placed in a position where it cannot enter a **surface water body**, or the coastal marine area, to avoid –~~
 - ~~(i) diversion, damming, or erosion of any **surface water body** or coastal water, and~~
 - ~~(ii) degradation of any aquatic habitat or riparian zone, and~~
 - ~~(iii) damage to downstream infrastructure or property, and~~
- ~~(c) slash is removed from a **surface water body** where it is blocking river flow or is diverting river flow and causing bank erosion, and~~

- ~~(c) slash must be placed onto stable ground, and slash levels managed so slash does not accumulate to quantities that could cause collapse of slash piles on the edge of landing sites, and~~
- ~~(d) work areas are effectively revegetated within 18 months after the final completion of the **plantation forestry harvesting**.~~
- ~~(d) all disturbed soil must be **stabilised** or contained where it cannot allow the movement of **sediment laden runoff** into any **surface water body** or the coastal marine area resulting in—~~
 - ~~(i) the diversion or damming of any **surface water body**; or~~
 - ~~(ii) degradation of the aquatic habitat, riparian zone, **surface water body**, or coastal water; or~~
 - ~~(iii) damage to downstream infrastructure or properties, and~~
- ~~(e) any sediment laden runoff **earthworks** associated with **plantation forestry harvesting** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters~~
 - ~~(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or~~
 - ~~(ii) any conspicuous change in colour or visual clarity, or~~
 - ~~(iii) any emission of objectionable odour, or~~
 - ~~(iv) the rendering of fresh water unsuitable for consumption by animals, or~~
 - ~~(v) any significant effect on aquatic life.~~

~~Rule R103: Plantation forestry harvesting—controlled activity~~ 

~~The use of land, and the discharge of **sediment laden runoff stormwater** into water or onto or into land that may enter water from **plantation forestry harvesting on erosion prone land** that is not permitted by Rule R102 is a controlled activity.~~

Matters of control

- ~~1. A harvest plan in accordance with Schedule O (forestry plan)~~
- ~~2. Methods for erosion and sediment control~~
- ~~3. Methods to manage and contain slash~~
- ~~4. Methods for stabilisation after harvesting~~
- ~~5. Design and location of river crossings and culverts~~
- ~~6. Methods for minimising bed disturbance~~

~~7. Impacts of sediment on receiving surface water bodies and any downstream receiving environment.~~

Note

Plantation forestry is also controlled by provisions in district plans.