


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. Where a proposal includes a number of activities which trigger separate specific rules, 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
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Rules – Land use	Page	P	C	RD	D	NC	Pr
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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~~
- (c) ~~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~~
- (d) ~~**cultivation** is undertaken along the contour of the land, where reasonably practicable, and~~
- (e) ~~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.~~

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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
- (c) 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
- (d) ~~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** 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 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~~

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- (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:

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- (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:
- 1. there is no surface water present at the time and location of the access; or
 - 2. 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**;
 - 1. in a site with significant **mana whenua** values identified in Schedule C (mana whenua); or
 - 2. in a **natural wetland**, lake, estuary or the coastal marine area; or
 - 3. 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, **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 bodies 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.~~

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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.

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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:

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NZ Transport Agency
South Wairarapa District Council
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- (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.

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 Porirua City Council
 South Wairarapa District Council
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- (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.

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