

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 where a proposal includes a number of activities which trigger separate specific rules. In that case, all of the relevant¹ 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 – 11.²

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

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.³

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	163						
Rule R94: Cultivation or tilling of land	163	•					
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¹ S42A Report: Water quality, Issue 10.1

² S42A Report: Overall policy framework of the proposed Plan, Issue 1.3

³ S42A Report: Overall policy framework of the proposed Plan, Issue 1.2

Rules – Land use	Page	P	C	RD	D	NC	Pr
Livestock exclusion	165						
Rule R97: Access to the beds of surface water bodies by livestock	165	•					
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Plantation forestry	169						
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Rule R103: Plantation forestry harvesting ⁴	170		•				

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 activity⁵

The use of land for **cultivation** and the associated discharge of a contaminant into water or onto land where the contaminant may enter water,⁶ 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 2 metres 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

⁴ RoR Report: Soil conservation, NES-PF

⁵ S42A Report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.1

⁶ Supplementary Response to the Panel, Hearing 2, 8 December 2017

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: Livestock ~~B~~break-feeding – permitted activity⁷

The use of land for **livestock break-feeding** and the associated discharge of a contaminant into water or onto land where the contaminant may enter water,⁸ is a permitted activity, provided the following conditions are met:

(a) **livestock 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) **Livestock break-feeding** on land with slope of 3 degrees or less shall not be within 2 metres 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 the contaminant may enter water,⁹ that is not permitted by Rule R94 or Rule R95 is a discretionary activity.

⁷ S42A Report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.2

⁸ Supplementary Response to the Panel, Hearing 2, 8 December 2017

⁹ Supplementary Response to the Panel, Hearing 2, 8 December 2017

5.4.3 Livestock ~~exclusion access~~¹⁰

Rule R97: ~~Livestock A~~access to the ~~beds of a~~ surface water body~~ies or the coastal marine area by livestock~~— permitted 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 from~~ ~~for access by livestock~~ access to the bed, ~~including banks, and the disturbance of the bed and banks and the discharge of associated sediment and exereta to a surface water body~~ is a permitted activity, provided the following conditions are met:

- (a) ~~a Livestock Access Plan has been approved in writing by the Wellington Regional Council, and the terms and conditions of the Livestock Access Plan are complied with at all times; or~~ ¹¹ ~~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~~
- (~~ba~~) the access ~~or any discharge from a constructed track or raceway~~ does not cause a conspicuous change in colour or visual clarity of water:
 - (i) within a site with significant **mana whenua** values identified in Schedule C (mana whenua), ~~and or~~
 - (ii)(e) ~~the access does not cause a conspicuous change in colour or visual clarity~~ beyond the **zone of reasonable mixing** in ~~all~~any other locations, and
- (~~eb~~) ~~the access to a river, open drain, water race or lake does not result in pugging or de-vegetation that exposes bare earth in the bed (including the banks), and~~
- (~~ec~~) ~~the access to a wetland, estuary or the coastal marine area does not result in:~~
 - (i) ~~pugging or de-vegetation that exposes bare earth; or~~
 - (ii) ~~a conspicuous change in colour or visual clarity of water; or~~
 - (iii) ~~cattle, farmed deer or farmed pigs being left unattended in, or not being actively moved through, a wetland, estuary or the coastal marine area,~~

and
- (~~ed~~) ~~a stock crossing point on a river, open drain, water race or lake shall:~~
 - (i) ~~be not more than 20 metres wide, and~~

¹⁰ S42A Report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.4

¹¹ RoR Report: Land use in riparian margins and stock access to surface water bodies and the coastal marine area – 1 September 2017

~~(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, a river, open drain, water race or lake,~~

~~and~~

~~(d)(fe) from 31.07.2022 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 a **Category 2 surface water body**~~ies~~, and **dairy cows** within a river~~s~~ that is not a **Category 1 surface water body** and has~~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, the access complies with condition (eb) or condition (dc),~~

~~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 the access complies with conditions (ba) and (ed), and~~

~~(v) the access for the purpose of crossing at a **use of the stock crossing point** occurs no more frequently than twice in any month, and~~

~~(vi) the **livestock** are actively crossing,~~

~~and~~

~~(e)(gf) 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 provided by condition (g)(i) (vii)~~ above, there is no **livestock** access within a Category 1 surface water body~~ies~~.

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~~ – discretionary activity¹²



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 is not permitted by Rule R97, is a discretionary activity.

5.4.4 Earthworks and vegetation clearance

Rule R99: Earthworks– permitted activity

The use of land, and the associated¹³ discharge of ~~sediment-laden runoff~~¹⁴ **stormwater**¹⁵ into water or onto or into land where it may enter water from **earthworks** ~~of up to~~ a total contiguous area ~~up to of~~¹⁶ 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

¹² S42A Report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.5

¹³ RoR Report: Soil conservation

¹⁴ RoR Report: Soil conservation

¹⁵ S42A Report: Soil conservation, Issue 4.1

¹⁶ RoR Report: Soil conservation

- (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 body¹⁷ except for activities permitted by Rule R114 or rule R115¹⁸.

Note

Rule R99 does not control any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.¹⁹

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

The use of land, and the associated²⁰ discharge of sediment-laden runoff²¹ stormwater²² into water or onto or into land where it may enter water from **vegetation clearance** ~~of up to~~ a total contiguous area up to of²³ 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 R115.²⁴

Notes:

¹⁷ S42A Report: Soil conservation, Issue 4.1
¹⁸ RoR Report: Soil conservation
¹⁹ RoR Report: Soil conservation, NES-PF
²⁰ RoR Report: Soil conservation
²¹ RoR Report: Soil conservation
²² S42A Report: Soil conservation, Issue 4.2
²³ RoR Report: Soil conservation
²⁴ RoR Report: Soil conservation

- (a) Vegetation clearance is also controlled by provisions in district plans and bylaws, and the Electricity (Hazards from Trees) Regulations 2003²⁵.
- (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. ²⁶

Rule R101: Earthworks and vegetation clearance – discretionary activity



The use of land, and the associated²⁷ discharge of **sediment-laden runoff** ~~stormwater~~²⁹ into water or onto or into land where it may enter water from **earthworks not permitted by Rule R99³⁰ or **vegetation clearance on erosion prone land** that is not permitted by ~~Rule R99 or~~³¹ Rule R100 is a discretionary activity.**

Note:

- (a) Rule R101 does not control any **earthworks** or **vegetation clearance** covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. ³²

5.4.5 **Plantation forestry³³**

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

~~The use of land, and the discharge of **sediment laden runoff stormwater**³⁴ 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**, and³⁵~~
- ~~(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~~

²⁵ S42A Report: Soil conservation, Issue 4.2
²⁶ RoR Report: Soil conservation, NES-PF
²⁷ RoR Report: Soil conservation
²⁸ RoR Report: Soil conservation
²⁹ S42A Report: Soil conservation, Issue 4.3
³⁰ RoR Report: Soil conservation
³¹ RoR Report: Soil conservation
³² RoR Report: Soil conservation, NES-PF
³³ S42A Report: Soil conservation, NES-PF
³⁴ S42A Report: Soil conservation, Issue 5.2
³⁵ S42A Report: Soil conservation, Issue 5.2

- (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~~³⁶
- (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~~³⁷
- (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~~³⁸
- (d) ~~work areas are effectively revegetated within 18 months after the final completion of the **plantation forestry harvesting**.~~³⁹
- (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~~⁴⁰
- (e) ~~any **sediment laden runoff earthworks**⁴¹ 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**⁴² into water or onto or into land that may enter water from **plantation forestry**~~

³⁶ S42A Report: Soil conservation, Issue 5.2

³⁷ S42A Report: Soil conservation, Issue 5.2

³⁸ S42A Report: Soil conservation, Issue 5.2

³⁹ S42A Report: Soil conservation, Issue 5.2

⁴⁰ S42A Report: Soil conservation, Issue 5.2

⁴¹ S42A Report: Soil conservation, Issue 5.2

~~harvesting on erosion prone land⁴³—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.⁴⁴~~

⁴² S42A Report: Soil conservation, Issue 5.2

⁴³ S42A Report: Soil conservation, Issue 5.2

⁴⁴ S42A Report: Soil conservation, Issue 5.2