

<b>Disposal</b>	<p>The abandonment of waste or other matter into the coastal marine area, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) dredge material, and</li> <li>(b) sewage sludge, and</li> <li>(c) fish processing waste from an onshore facility, and</li> <li>(d) ships and platforms or other man-made structures at sea, and</li> <li>(e) inert, inorganic geological material, and</li> <li>(f) organic materials of natural origins, and</li> <li>(g) bulky items consisting mainly of iron, steel and concrete.</li> </ul>
<b>Domestic fire</b>	<p>Any indoor <b>domestic fire</b> fuelled by solid materials (coal, or wood), and includes <b>open fires</b>, coal-burning heaters, woodburners, multi-fuel burners and wood/coal stoves.</p>
<b>Drain</b>	<p>Any artificial watercourse, open or piped, designed and constructed for the purpose of land drainage of surface or subsurface water. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times are excluded from this definition.</p> <p>Only for the purpose of Rule R121 (drain clearance) a <b>drain</b> also includes a highly modified watercourse or river and is channelled to such an extent that it has the characteristics of a farm drainage canal.</p>
<b>Earthworks</b>	<p>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is <b>stabilised</b>. <b>Earthworks</b> includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</p> <p><b>Earthworks</b> do not include:</p> <ul style="list-style-type: none"> <li>(a) <b>cultivation</b> of the soil for the establishment of crops or pasture, and</li> <li>(b) the harvesting of crops, and</li> <li>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</li> <li>(d) the construction, repair or maintenance of: <ul style="list-style-type: none"> <li>(i) pipelines, and</li> <li>(ii) electricity lines, and</li> <li>(iii) telecommunication structures or lines, and</li> <li>(iv) radio communication structures, and</li> <li>(v) firebreaks or fence lines, and</li> <li>(vi) a bore or geotechnical investigation bore, and</li> </ul> </li> <li>(e) repair or maintenance of existing roads and tracks, and airfield runways, and</li> <li>(f) maintenance of orchards and shelterbelts, and</li> <li>(g) domestic gardening, and</li> <li>(h) repair, sealing or resealing of a road, footpath, driveway, and</li> <li>(i) any <b>earthworks</b> or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</li> </ul>

<b>Group drinking water supply</b>	A registered drinking water supply that is recorded in the drinking water register maintained by the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides more than 25 people with drinking water for not less than 60 days each calendar year.
<b>Gully</b>	A channel or small valley especially one cut by heavy rain.
<b>Hard engineering *</b>	Engineering works that use structural materials such as concrete, steel, timber or rock armour to provide a hard, inflexible edge between the land-water interface along rivers, shorelines or lake edges. Typical structures include groynes, seawalls, revetments or bulkheads that are designed to prevent erosion of the land. Also referred to as 'structural engineering'.
<b>Harbour and pilotage limit</b>	The area shown on Map 49.
<b>Hazardous air pollutant</b>	Any substance known or suspected to cause a significant adverse effect on human health or to the environment due to its toxicity, persistence in the environment, tendency to bio-accumulate or any combination of these things. <b>Hazardous air pollutants are identified in Schedule L2 (air pollutants).</b> <sup>27</sup>
<b>Hazard management strategy</b>	A coherent, integrated framework for the management of a hazard, normally developed by a local authority or appropriately qualified agency, and including some or all of the following elements; hazard and risk identification, impact assessment, potential mitigation works (costs/impacts/maintenance), assessment of environmental effects, assessment of alternate options, cost-benefit analysis, budget allocation; community engagement and implementation plan.
<b>Hazardous substances</b>	Unless expressly provided otherwise by regulations, any substance (a) with one or more of the following intrinsic properties: (i) explosiveness; (ii) flammability; (iii) a capacity to oxidise; (iv) corrosiveness; (v) toxicity (including chronic toxicity); (vi) ecotoxicity, with or without bioaccumulation; or (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a). Note: this definition is from the Hazardous Substances and New Organisms Act 1996
<b>Hazardous waste</b>	Waste that contains: (a) a <b>hazardous substance</b> , or (b) an infectious substance, or material known or reasonably expected to contain pathogens, including bacteria, viruses, rickettsia, parasites, fungi or recombinant micro-organisms (hybrid or mutant) that are known, or reasonably expected, to cause infectious disease in humans and animals that are exposed to them, or (c) radioactive material that meets the definition in section 2 of the Radiation Protection Act 1965

<sup>26</sup> Section 42A report: Water allocation Issue 2.4

<sup>27</sup> Section 42A officer's report: Air quality management, Issue 2.1

<b>Offset</b>	A measurable positive outcome resulting from an action designed to compensate for the significant <b>residual adverse effects</b> on the environment arising from an activity after avoidance, remediation and mitigation measures have been taken.
<b>On-site domestic wastewater treatment and discharge system</b>	A treatment and discharge system which receives, treats, and applies <b>wastewater</b> to a land application system or a holding tank on the same property that produces the <b>wastewater</b> .
<b>Open fire</b>	An <b>open fire</b> is any fire where the combustion chamber is not totally enclosed within a domestic building. This includes combustion chambers that are partially closed (e.g. has a door) and those that have a limited control of the primary or secondary air supply. Some common examples of <b>open fires</b> are fireplaces including brick or masonry, visors, and open hearths.
<b>Operational requirement</b>	When an activity needs to be carried out in a particular location or way in order to be able to function effectively and efficiently.
<b>Outdoor burning</b>	The combustion of materials in the open air, including, but not limited to, burning in a simple drum or single combustion chamber or waste incineration device, or on open ground.
<b>Outstanding natural wetland</b>	<b>Outstanding natural wetlands</b> are identified in Schedule A3 (outstanding wetlands).
<b>Pit latrine</b>	A disposal system for human waste in a hole dug in the ground, ranging from a simple slit trench to more elaborate systems with ventilation. Also called 'long-drop' or 'privies'.
<b>Point source discharge</b>	The discharge of contaminants at a specific identifiable location (such as a factory or property) or fixed facility such as a pipe, ditch, or smokestack.
<b>Polluted airshed</b>	An airshed that with more than 1.0 average exceedances of the ambient PM <sub>10</sub> standard for the immediately prior 5-year period, calculated from meaningful data for up to 5 years of monitoring data.
<b>Port Noise Control Line</b>	The line at or beyond which the rule controlling the emission of noise from <b>port related activities</b> applies and where the noise from <b>port related activities</b> is monitored.
<b>Port related activities</b>	Activities within the <b>Commercial Port Area</b> , the <b>Lambton Harbour Area</b> and on the adjacent land within the district including, but not limited to, the berthing, departure and movement of ships, storage and cargo handling, handling of goods and passengers, all activities associated with the movement, storage and handling of cargo and any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration. Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the <b>Commercial Port Area</b> and the <b>Lambton Harbour Area</b> are excluded.
<b>Property</b>	Property means any contiguous area of land, including land separated by a road or river, held in one or more than one ownership that is utilised as a single operating unit, and may include one or more certificates of title.
<b>Pumped drainage scheme</b>	A scheme for the drainage of land by the pumped collection, transfer and <b>point source discharge</b> of water to a <b>surface water body</b> .

<b>Surface water body</b>	<p>A river, lake, wetland, estuary, open drain or water race, and its bed. For the purpose of the Plan, <b>surface water body</b> does not include <b>ephemeral flow paths</b> and bodies of water designed, installed and maintained for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) water storage ponds for <ul style="list-style-type: none"> <li>(i) fire fighting or</li> <li>(ii) irrigation, or</li> <li>(iii) stock watering, or</li> </ul> </li> <li>(b) water treatment ponds for <ul style="list-style-type: none"> <li>(i) <b>wastewater</b>, or</li> <li>(ii) <b>stormwater</b>, or</li> <li>(iii) nutrient attenuation, or</li> <li>(iv) sediment control, or</li> <li>(v) animal effluent, or</li> <li>(vi) operating sumps, quarries and gravel pits.</li> </ul> </li> </ul> <p>Also see definitions for Category 1, and <b>Category 2 surface water bodies</b>, and the definition for <b>River class</b>.</p>
<b>Taonga species</b>	He tamaiti a ngā atua o tō tātou ao; a source of kai/toi/rongoā as identified by mana whenua.
<b>Temporary structure</b>	A structure in the coastal marine area which is not in place for a period exceeding a total of 31 days or part days during a 12 month period, inclusive of the placement and removal.
<b>Tikanga*</b>	Customary practices and values, typically followed in order to protect <b>mauri</b> and/or <b>mana</b> .
<b>Tohu</b>	A sign, mark, symbol or distinguishing feature.
<b>Tributary</b>	A river or stream (of any order) that flows into a lake, or larger river or stream.
<b>Tūpuna</b>	Ancestors.
<b>Upgrade</b>	Use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.
<b>Unused water</b>	Where more than 25% of the maximum daily amount of water allocated to a person for use on a property they own or have an interest in, but not including water that is transferred for use at another location by means of a transfer permit, is demonstrated to not be used over a period of two consecutive years. <b>Unused water does not apply to water allocated to a community or group drinking water supply.</b> <sup>49</sup>
<b>Vegetative bank edge protection</b>	The use of anchored willows or poplars to maintain an alignment of a river bank and prevent erosion. This includes tree groynes and tethered willows, but excludes rock linings or rock groynes.
<b>Vegetation clearance</b>	<p>The clearance or destruction of woody vegetation (exotic or native) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand clearance, and the burning of vegetation.</p> <p><b>Vegetation clearance</b> does not include:</p> <ul style="list-style-type: none"> <li>(a) any <b>vegetation clearance</b>, tree removal, or trimming of vegetation associated with the Electricity (Hazards from Trees) Regulations 2003, and</li> <li>(b) any <b>vegetation clearance</b> or vegetation disturbance covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</li> </ul>


<sup>49</sup> Section 42A report: Water allocation Issue 3.2

## 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. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whitua Chapters 7 – 11.<sup>1</sup>

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

**Rules** **Provisions** 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.<sup>2</sup>

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
<b>Cultivation and break-feeding</b>	163						
Rule R94: Cultivation or tilling of land	163	•					
Rule R95: Break-feeding	164	•					
Rule R96: Cultivation and break-feeding	164				•		
<b>Livestock exclusion</b>	164						
Rule R97: Access to the beds of surface water bodies by livestock	164	•					

<sup>1</sup> s42A report: Overall policy framework of the proposed Plan, Issue 1.3

<sup>2</sup> s42A report: Overall policy framework of the proposed Plan, Issue 1.2

Rules – Land use	Page	P	C	RD	D	NC	Pr
Rule R98 Livestock access to the beds of surface water bodies	166				•		
<b>Earthworks and vegetation clearance</b>	167						
Rule R99: Earthworks	167	•					
Rule R100: Vegetation clearance on erosion prone land	167	•					
Rule R101: Earthworks and vegetation clearance	168				•		

#### 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<sup>3</sup>

The use of land for **cultivation** 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) **cultivation** is undertaken along the contour of the land, where reasonably practicable, and
- (c) ~~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.

<sup>3</sup> S42A report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.1

#### Rule R95: ~~Livestock B~~break-feeding – permitted activity<sup>4</sup>

The use of land for **livestock break-feeding** 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** or **break-feeding** that is not permitted by Rule R94 or Rule R95 is a discretionary activity.

#### 5.4.3 Livestock exclusion access<sup>5</sup>

#### Rule R97: ~~Livestock A~~access to the beds of a surface water bodies 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 excreta 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 the access~~

<sup>4</sup> S42A report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.2

<sup>5</sup> S42A report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.4

~~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 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)(c) the access does not cause a conspicuous change in colour or visual clarity beyond the zone of reasonable mixing in any other locations, and~~

~~(c) 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~~

~~(d) 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~~

~~(e) a stock crossing point on a river, open drain, water race or lake shall:~~

~~(i) be not more than 20 metres 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, a river, open drain, water race or lake,~~

~~and~~

~~(d)(f) 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, and dairy cows within a river~~



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 (c) or condition (d).~~

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 (b) and (e), 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)(g)~~ from ~~three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2019)~~:

- (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.

#### *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 – discretionary activity**<sup>6</sup> 

~~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~~

<sup>6</sup> S42A report: Land use in riparian margins and stock access to surface water bodies and the CMA, Issue 4.5

~~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 associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 3,000m<sup>2</sup> 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 into water or onto or into land where it may enter water from **vegetation clearance** up to a total area 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.<sup>7</sup>

*Notes:*

- (a) **Vegetation clearance** is also controlled by provisions in district plans and bylaws, and the Electricity (Hazards from Trees) Regulations 2003<sup>8</sup>.
- (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 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 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.

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<sup>7</sup> RoR Report: Soil conservation  
<sup>8</sup> S42A report: Soil conservation, Issue 4.2



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