

## 18.1 ACTIVITIES ON LAND

### 18.1.1 Permitted Activities on Land

#### Rule 1. Humping and hollowing, flipping, or v-blading outside riparian margins

Humping and hollowing, flipping, or v-blading in the Non-Erosion Prone Area (less than 12° slope) outside of riparian margins, and any associated discharge of sediment are **permitted activities** if all of the following conditions are met:

- (a) i) For humping and hollowing and flipping, the area of the activity does not exceed 5 hectares per landholding in any continuous 12 month period; and
- ii) For v-blading either:
  - 1. The land area for new works does not exceed 10 hectares per landholding in any 12 month period; or
  - 2. The activity is undertaken on land that has previously been v-bladed; and
- (b) The activity must not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) The activity is not within:
  - i) 50 metres of the Coastal Marine Area on the open coast line; or
  - ii) 20 metres of the Coastal Marine Area elsewhere; or
  - iii) Any wetland identified in Schedule 1 or 2; or
  - iv) The Lake Brunner catchment; and
- (g) When operating alongside a riverbed and there is an iron pan or hard pan layer below the surface of the land then the iron pan or hard pan is not to be disturbed or broken within a distance of 20 metres from the edge of the riverbank; and
- (h) Any culverts or cut and fill batters are designed, and constructed or installed to prevent their failure and avoid causing erosion; and
- (i) The Council is notified in writing of the location and extent of the activity, at least seven working days prior to the works commencing; and
- (j) All areas disturbed by humping and hollowing and flipping are re-vegetated as soon as practicable; and
- (k) All drainage from land subject to the activity is directed through sediment control devices or traps prior to entry to any waterway; and
- (l) Any rivers, streams, or wetlands identified in Schedule 1 or 2, that could be accessed by stock from the pasture created by the humping and hollowing, flipping or v-blading activity, shall be fenced to exclude stock access; and
- (m) The discharge does not increase the flow in the receiving waterbody to the extent that it exceeds the carrying capacity of existing infrastructure.

**Note:** Condition (g) will ensure that low permeability strata within 20 metres of a waterway is maintained to ensure continuity of flow in the waterway. The land within the 20 metre buffer can still be contoured, in accordance with other conditions/rules provided the iron pan or hard pan is not broken.

#### Explanation

This Rule is intended to address the range of land contouring activities, which can be carried out with minor adverse effects on the environment if all of the above conditions are complied with.

#### Rule 2. Earthworks in riparian margins

Earthworks within riparian margins, and any associated discharge of sediment are a **permitted activity** if all of the following conditions are met:

- (a) The volume of earthworks in the riparian margin must not exceed 25m<sup>3</sup> and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and
- (b) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body; and
- (e) The activity does not affect any surface water take; and
- (f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- (g) Earthworks are carried out such that:
  - i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes, to avoid causing erosion; and
  - ii) Any culverts or cut and fill batters are designed and constructed or installed to prevent their failure and avoid causing erosion; and
  - iii) Trenches for the purpose of installing pipes, lines, or cables are backfilled and compacted as soon as practicable; and
- (h) No refuelling of equipment takes place on any area of a riverbed; and
- (i) The activity does not cause or contribute to any slope or land instability, including subsidence or other erosion; and
- (j) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
- (k) No earthworks occur within any wetland identified in Schedule 1; and
- (l) No earthworks occur within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

**Note:** These Rules do not apply to works in river and lake beds – refer to Rules 20 - 38 on River and Lake Bed Activities.

### **Rule 3. Earthworks in the Non Erosion Prone Area, outside riparian margins**

Earthworks in the Non Erosion Prone Area (less than 12<sup>o</sup> slope), and outside any riparian margin, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

- (a) Earthworks **either**:
  - i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; **or**
  - ii) Do not exceed an annual volume of 5000m<sup>3</sup> per landholding or hectare, whichever is the smaller; and
- (b) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres from the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) The activity is not within:
  - i) 50 metres of the Coastal Marine Area on the open coast line; or
  - ii) 20 metres of the Coastal Marine Area elsewhere; or
  - iii) Any wetland identified in Schedule 1; or
  - iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7; and
- (g) Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:
  - i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and

- ii) Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and
- iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted as soon as practicable; and
- (h) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (j) Where earthworks are for the purpose of forming a drain:
  - i) There is no erosion of the bed or banks of the receiving water body; and
  - ii) The drainage does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure; and
  - iii) The activity does not occur within 25 metres of any wetland identified in Schedule 1 or 2;
- (k) Where the earthworks are for the purpose of constructing a water supply bore the Council must be notified within five working days of the location depth and purpose of the bore.

**Note:** For condition (j) the quality of any discharged drainage water must comply with the conditions of the permitted activity Rule 64 in Chapter 18.4 Discharges to Water.

#### **Rule 4. Earthworks in Erosion Prone Area One, outside riparian margins**

Earthworks in Erosion Prone Area One (between 12<sup>0</sup> and 25<sup>0</sup> slope inclusive), and outside any riparian margin, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

- (a) Earthworks **either**:
  - i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; or
  - ii) Do not exceed an annual volume of 500m<sup>3</sup> per landholding or hectare, whichever is the smaller; and
- (b) Sufficient sediment control must be constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres from the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (g) Where earthworks are for the formation or construction of any road, track, firebreak, landing, line, pipe, or cable:
  - i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and
  - ii) Any culverts or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and
  - iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted within as soon as practicable; and
- (h) No refuelling of equipment takes place on any area of a riverbed; and
- (i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (j) The activity is not within:
  - i) 50 metres of the Coastal Marine Area on the open coast line; or
  - ii) 20 metres of the Coastal Marine Area elsewhere; or
  - iii) Any wetland identified in Schedule 1; or
  - iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

**Note:** Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

### **Rule 5. Earthworks in Erosion Prone Area Two and the Greymouth Earthworks Control Area, outside riparian margins**

Earthworks in Erosion Prone Area Two (slope exceeds 25<sup>0</sup>) and the Greymouth Earthworks Control Area, and outside any riparian margin where:

- (i) The volume of earthworks is less than 10m<sup>3</sup> per land holding in any 12 month period; or
- (ii) The activity is for the purpose of laying underground network utility lines, pipes, or cables; or
- (iii) The earthworks are for upgrading network utility operations and do not exceed a volume of 50m<sup>3</sup> in any 100 metres length of the utility operation;

and any associated discharge of sediment are a **permitted activity** if all of the following conditions are met:

- (a) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (b) Sufficient sediment control must be constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width from 200 metres of the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (g) The activity is not within:
  - i) 50 metres of the Coastal Marine Area on the open coast line; or
  - ii) 20 metres of the Coastal Marine Area elsewhere; or
  - iii) Any wetland identified in Schedule 1; or
  - iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

### **Rule 6. Earthworks for the purpose of maintenance or repair**

Earthworks for the purpose of maintaining or repairing a road, track, railway line, landing, drilling pad, stand off pad, firebreak, structures and infrastructure associated with a hydro electric generation scheme, or network utility line, pipe, or cable, and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met:

- (a) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and
- (b) Sufficient sediment control must be constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres from the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed, or wetland identified in Schedule 1 or 2; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) Any culverts or cut and fill batters are maintained so as to prevent their failure and avoid causing erosion; and
- (g) Trenches for the purpose of maintaining lines, pipes, or cables are backfilled and compacted as soon as practicable; and
- (h) Any activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
- (i) No refuelling of equipment takes place on any area of a riverbed; and
- (j) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (k) The activity is not within any wetland identified in Schedule 1; and

- (l) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

**Note:** Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

**Explanation**

The Rules in this section allow vegetation disturbance and earthworks activities of a scale that will have no more than minor adverse effects.

Condition (j) of Rule 3 considers the effects on existing infrastructure such as culverts and bridges, from land drainage activities as those structures have generally been designed to manage a given flow based on the environment at the time of their construction. The condition ensures that plan users must take into account the effects of land drainage on the existing environment including the capacity of existing infrastructure to ensure that it is no more than minor. This is because the RMA is based on the premise of 'first come first served' therefore all subsequent activities must take into account their effects on pre-existing activities.

**Rule 7. Earthworks and associated vegetation disturbance within a Schedule 2 wetland**

Within any wetland identified in Schedule 2, any earthworks and associated vegetation disturbance for the purpose of:

- (a) Installing, maintaining, repairing or removing a monitoring device provided that:
- i) The maximum area disturbed is less than 10m<sup>2</sup> per 10 hectares; and
  - ii) The site is left tidy following the installation, maintenance or removal of the device and is revegetated with similar native species; and
  - iii) The device is maintained in good repair and removed at the completion of monitoring; and
  - iv) There is no change to the natural flow, path or fluctuations in water level; and
  - v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - vi) Any bird nests are left undisturbed; and
  - vii) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants; and
  - viii) Council is notified seven days prior to the activity taking place; or
- (b) Constructing, maintaining or repairing any boardwalk provided that:
- i) The earthworks disturbance is limited to the extent necessary to undertake the work;
  - ii) Vegetation disturbance does not exceed 1 metre from the edge of the boardwalk unless health and safety considerations require otherwise; and
  - iii) The maximum width of the boardwalk does not exceed 2 metres; and
  - iv) All non-handheld machinery is operated from the boardwalk; and
  - v) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants; and
  - vi) The site is to be left tidy following construction or any maintenance of the boardwalk, and is revegetated with similar native species; and
  - vii) There is no change to the natural flow, path or fluctuations in water level; and
  - viii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - ix) The activity does not disturb any breeding, roosting or nesting sites of indigenous birds; and
  - x) Council is notified seven days prior to the activity taking place; or
- (c) Maintenance or repair of any pathway existing as at 6 August 2012 provided that any maintenance does not increase the footprint of the pathway; or
- (d) Erecting, placing, maintaining or repairing a fence, pipe, line or cable provided that:
- i) The erection, placement or maintenance works do not result in any change to the natural flow, path or fluctuations in water level; and
  - ii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - iii) Any bird nests are left undisturbed; and

- iv) No debris or sediment is to be placed on an area where it is likely to result in the smothering of wetland vegetation; and
  - v) No refuelling of equipment, other than handheld equipment with measures in place to prevent spillage of fuel, takes place on any areas of the wetland; and
  - vi) The site is left tidy following erection, placement or maintenance works, and is revegetated with similar native species; and
  - vii) For a fence:
    - (1) The volume of earthworks must not exceed 10m<sup>3</sup>, or native vegetation disturbance in excess of 150m<sup>2</sup>, over 100 metre of fence line, and is to be no wider than 2 metres at any point; and
    - (2) Either is for the purpose of delineating a property boundary or is to exclude stock from all, or part of, a wetland identified in Schedule 2; and
  - viii) For a pipe, line or cable:
    - (1) Earthworks, and native vegetation clearance, must not exceed 0.6 metre in width per any 1 metre length; and
    - (2) The pipe diameter does not exceed 150mm; and
    - (3) The activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
    - (4) Trenches for the purpose of maintaining pipes, lines or cables are backfilled and compacted within 48 hours of excavation; and
  - ix) Council is notified seven days prior to the activity taking place; or
- (e) Maintaining or repairing any network utility structure provided that:
- i) No new access tracks are formed; and
  - ii) The extent of earthworks or vegetation disturbance does not exceed the footprint of the structure by more than 10%; and
  - iii) No debris or sediment shall be placed on an area where it is likely to result in the smothering of wetland vegetation; and
  - iv) Vehicles and equipment are cleaned prior to entering the Schedule 2 wetland to avoid the introduction of pest plants;
  - v) No refuelling of equipment, other than handheld equipment with measures in place to prevent spillage of fuel, takes place on any area of the wetland; and
  - vi) Any vegetated surfaces are revegetated with similar native species as soon as practicable where they do not disrupt or interfere with the functions of the utility structure; and
  - vii) There is no change to the natural flow, path or fluctuations in water level; and
  - viii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - ix) Any bird nests are left undisturbed; and
  - x) The activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and
  - xi) Council is notified seven days prior to the activity taking place;

is a **permitted activity**.

### **Rule 8. Vegetation disturbance in riparian margins**

Vegetation Disturbance within riparian margins is a **permitted activity** if all of the following conditions are met:

- (a) Native Vegetation is only removed where:
  - i) It is causing bank erosion; or
  - ii) It is toxic to livestock; or
  - iii) The activity is undertaken in conjunction with permitted activity Rule 2 or 7; and
- (b) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- (c) The activity does not cause or contribute to land instability or erosion; and
- (d) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
- (e) No debris is placed directly in any river or lake bed, or in any wetland identified in Schedule 1 or 2.

**Notes:** These Rules do not apply to works in river and lake beds – refer to Rules 20 - 38 on River and Lake Bed Activities.

Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

### **Rule 9. Vegetation disturbance in Erosion Prone Area One, Two, or the Greymouth Earthworks Control Area and outside any riparian margin**

Vegetation Disturbance in Erosion Prone Area One, Erosion Prone Area Two, or the Greymouth Earthworks Control Area, and outside any riparian margin, and any associated discharge of sediment, is a **permitted activity** if all of the following conditions are met:

- (a) The area disturbed is less than 20m<sup>2</sup> if undertaken within Erosion Prone Area Two or the Greymouth Earthworks Control Area; and
- (b) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres from the activity, whichever is the lesser; and
- (c) No soil or debris is placed directly in any river or lake bed; and
- (d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (e) The activity does not affect any surface water take; and
- (f) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and
- (g) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (h) The activity is not within any wetland identified in Schedule 1; and
- (i) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

### **Rule 10. Vegetation disturbance in the Non Erosion Prone Area**

Vegetation disturbance in the Non Erosion Prone Area (less than 12° slope), and outside any riparian margin, is a permitted activity provided the following conditions are met:

- (a) The activity is not within a wetland identified in Schedule 1; and
- (b) The activity is not within a wetland identified in Schedule 2 unless it meets the requirements of Rule 7.

**Note:** Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

### **Rule 11. Grazing and livestock access to riparian margins**

Grazing and livestock access to riparian margins are a **permitted activity** provided that:

- (a) The activity does not cause or induce conspicuous slumping, or pugging, or erosion; and
- (b) Within the Lake Brunner catchment, all farmed stock animals shall be prevented from entering any waterway, with any fences to be placed a minimum distance of 1 metre from the edge of the waterway
- (c) The activity does not contravene Rules 17(iv) and 19(iv).

**Note:** For the purpose of Rule 11, 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

**Explanation**

Grazing in buffer zones can reduce the effectiveness of the vegetation in them to trap sediments and reduce runoff. Livestock trampling can cause considerable disturbance to the banks of rivers and streams and the margins of lakes contributing to sediment loading, bank erosion, and increased runoff.

**18.1.2 Controlled Activities on Land****Rule 12. Earthworks not complying with Rules 3 or 6**

Any earthworks outside of a wetland identified in Schedule 1 or 2 that contravene any one of the conditions of the relevant permitted Rules 3 or 6 of this Plan, and are less than 20,000 cubic metres per land holding, are a **controlled activity** if:

- (i) The area of land disturbed does not exceed five hectares per landholding in any 12 month period; and
- (ii) The activity does not occur within 50 metres of the coastal marine area; and
- (iii) The area disturbed is in the Non Erosion Prone Area; and
- (iv) The area is outside any riparian margin; and
- (v) Sufficient sediment control is constructed so that the activity does not cause visual clarity of any receiving water to decrease by more than 40%, as measured by black disc, beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
- (vi) All areas of bare ground and any stockpiles of material created by the activity are protected from soil erosion as soon as practicable; and
- (vii) For the purpose of forming a drain, the activity does not occur within 25m of any wetland identified in Schedule 1 or 2; and
- (viii) No soil or debris is placed directly in a wetland identified in Schedule 1 or 2.

A resource consent is required and must be granted, however, the Council reserves control over the following:

- (a) The location, design, surface area, and timing of earthworks;
- (b) Requirements to address the effects of erosion, subsidence, sedimentation, and increased surface runoff;
- (c) Measures to avoid, remedy, or mitigate adverse effects on the stability of beds and banks of rivers and streams;
- (d) Adherence to a certified engineering plan;
- (e) Volume of earthworks and the extent of the area disturbed and / or rehabilitated at any time;
- (f) The disposal and stabilisation of excavated material or fill, including location of dump sites;
- (g) Loss of or damage to soil;
- (h) Effects on indigenous biological diversity and ecological values;
- (i) Effects on water quality;
- (j) Effects on surface or subsurface water levels and flows;
- (k) Requirements for stormwater controls, batters, water tables, cutoffs, swales, sediment control and culverts;
- (l) Effects on natural character of the coastal environment, wetlands, and lakes and rivers and their margins;
- (m) Setback distances from wetlands, lakes, rivers, and the coastal marine area;
- (n) Potential damage to any cultural heritage site or area;
- (o) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
- (p) Monitoring provisions;
- (q) The duration of the resource consent;
- (r) Bonds and financial contributions;
- (s) Review conditions of the resource consent.

An application for resource consent under this Rule does not need to be served on persons who may be adversely affected by the activity.

### 18.1.3 Restricted Discretionary Activities on Land

#### Rule 13. Humping and hollowing, flipping, and v-blading

Humping and hollowing, flipping, and v-blading, outside of a wetland identified in Schedule 1 or 2 and the Lake Brunner Catchment, that cannot meet any one of the conditions of a permitted activity in Rule 1, or that occurs within a riparian margin is a **restricted discretionary activity**.

In considering any resource consent under this Rule, the Council will restrict the exercise of its discretion to the following:

- (a) The effects of erosion, sedimentation of waterways, changes in surface runoff, and measures to avoid, remedy, or mitigate adverse effects on affected persons and infrastructure located downstream;
- (b) Effects on the stability of beds and banks of rivers and streams;
- (c) Adherence to a certified engineering plan;
- (d) Setback distances from wetlands, lakes, rivers, and the coastal marine area;
- (e) Timing of the activity;
- (f) Damage to riparian vegetation, soil, natural habitats and features, and significant sites;
- (g) Effects on surface and sub surface water levels, flows, and quality;
- (h) Erosion and sediment control methods;
- (i) Effects on the natural character of wetlands, ecological values or intrinsic values;
- (j) Measures to avoid, remedy, or mitigate adverse effects on stream morphology and substrate deposition;
- (k) Cumulative effects;
- (l) Potential damage to any cultural or heritage site/area;
- (m) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
- (n) Monitoring provisions;
- (o) The duration of the resource consent;
- (p) Bonds and financial contributions;
- (q) Review conditions of the resource consent.

#### Explanation

V blading and humping and hollowing are forms of land drainage commonly employed on the West Coast for reshaping the ground surface, and along with flipping, alter the structure of the soil substrate. This may result in change in the hydrology of the catchment. Depending on the soil structure, it may result in an increase in surface runoff due to an increase in the land surface gradient, or a reduction in surface runoff due to significantly increased drainage to groundwater.

During heavy rainfall an increase in surface runoff could significantly increase the flow and velocity of receiving rivers and streams, and can lead to scouring and erosion, ponding of water beyond the subject property boundary, as well as causing damage and destruction of aquatic habitats, including trout fisheries. Such adverse effects are likely to be more significant in the catchments of smaller streams, depending on the scale and type of land drainage carried out.

Elevated levels of surface runoff can also result in adverse effects on downstream landowners and network utility operators. It may be necessary for those who carry out land drainage to address adverse effects. There is also a need to consider whether cumulative effects may arise because of other areas in the same catchment that have already been drained. Furthermore, a significantly increased drainage to groundwater from the developed pasture may result in an effect on groundwater quality and level.

#### Rule 14. Planting of exotic trees

The planting of exotic trees for subsequent harvest within 5 metres of any river with a bed width greater than 3 metres, or lake provided that it is outside any wetland identified in Schedule 1 or 2 is a **restricted discretionary activity**.

In considering any resource consent under this rule, the council will restrict the exercise of its discretion to the following:

- (a) The effects of erosion, sedimentation of waterways, changes in surface runoff, and measures to avoid, remedy, or mitigate adverse effects on affected persons and infrastructure located downstream;
- (b) The management of those trees on the edge of the plantation closest to the water body to reduce the potential for adverse effects through techniques such as pruning and reducing the number of stems per hectare;
- (c) Effects on the stability of beds and banks of rivers and streams;
- (d) Damage to riparian vegetation, soil, natural habitats and features, and significant wetlands;
- (e) Effects on surface and sub surface water levels, flows, and quality;
- (f) Effects on in-stream values including habitat;
- (g) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga.

An application for resource consent under this rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests notification or the council considers that because of special circumstances the application should be publicly notified.

#### **Explanation**

Exotic plantation forests can cause adverse effects on the in-stream values of water bodies and on the ability of banks and riparian margins to withstand erosion. Furthermore, there are associated adverse effects that can be caused during harvesting which are exacerbated where trees have been planted too close to water bodies. This Rule ensures that these matters will be taken into account at the time of processing the application.

### **18.1.4 Discretionary Activities on Land**

#### **Rule 15. Humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner catchment**

Any humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner catchment is a **discretionary activity**.

#### **Explanation**

This Rule is not intended to prohibit further development, but requires the applicant to consider methods of reducing potential future phosphorous loss into Lake Brunner.

**Note:** For fertiliser use in the Lake Brunner catchment, refer to Rule 87.

#### **Rule 16. Discretionary activities outside of a wetland identified in Schedule 1 or 2**

Outside of a wetland identified in Schedule 1 or 2, any:

- (i) Vegetation disturbance that contravenes Rules 8 or 9;
- (ii) Earthworks that contravenes Rules 2, 3, 4, 5, 6 or 12; or
- (iii) Grazing within, and livestock access to, riparian margins that contravenes Rule 11;

is a **discretionary activity**.

#### **Rule 17. Discretionary activities inside a wetland identified in Schedule 2**

Within a wetland identified in Schedule 2, any:

- (i) Humping and hollowing, flipping or v-blading; or
- (ii) Vegetation disturbance that contravenes Rules 7, 8, 9, or 10; or
- (iii) Earthworks, including the excavation of any new drain or the deepening of any existing drain below its depth as at October 15 2005, that contravenes Rules 2, 3, 4, 5, 6, 7 or 12; or
- (iv) Grazing within, and livestock access to, riparian margins within a Schedule 2 wetland that contravenes Rule 11; or
- (v) The planting of exotic trees;

is a **discretionary activity**.

### Assessment Matters

When a resource consent is required in accordance with Rule 17 an ecological assessment of that wetland is required to accompany the resource consent application. The ecological assessment will be undertaken in accordance with Schedule 3. In considering any resource consent under these rules, the Council will retain full discretion over any matter, which includes but is not limited to the effect on any wetland, including those identified in Schedule 1 or 2, or any adjoining wetland.

### Explanation

Activities including humping and hollowing, flipping or v-blading, vegetation disturbance and earthworks have the potential to result in significant adverse effects such as on the erosion potential of the land from the volumes of material disturbed. In order to ensure that these effects are addressed, activities that cannot meet the requirements of the permitted, controlled or restricted discretionary activity rules within this section are discretionary or non-complying.

These Rules also covers activities that may impact on the aquatic environment such as those in close proximity to the margins of lakes or rivers.

## Rule 18. Stock crossings in the Lake Brunner catchment

As of July 1 2011, stock crossings through waterways in the Lake Brunner catchment are a **discretionary activity**.

### Explanation

The Council is concerned about phosphorus from effluent due to continued stock crossings through waterways in the Lake Brunner catchment. This Rule requires a resource consent for any stock crossing that has not been bridged or culverted by 1 July 2011.

**Note:** For the purpose of Rule 18 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

### 18.1.5 Non-Complying Activities on Land

## Rule 19. Non-complying activities within a wetland identified in Schedule 1

Within a wetland identified in Schedule 1, any:

- (i) Humping and hollowing, flipping or v-blading; or
- (ii) Vegetation disturbance outside of a riparian margin; or
- (iii) Vegetation disturbance within a riparian margin, that contravenes Rule 8; or
- (iv) Grazing within, and livestock access to, riparian margins within a Schedule 1 wetland that contravenes Rule 11; or
- (v) Earthworks, including the excavation of any new drain or the deepening of any existing drain below its depth as at 15 October 2005; or
- (vi) The planting of exotic trees;

is a **non-complying activity**.

### Principal Reasons for Adopting

Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Humping and hollowing, flipping or v-blading, vegetation disturbance and earthworks have the potential to result in significant and irreversible adverse effects. While not prohibited, these activities are considered to be inappropriate unless adequate measure are available to overcome the risk of adverse effects on the values of wetlands in Schedule 1.

This Rule also covers activities that may impact on the aquatic environment such as those in close proximity to the margins of lakes or rivers.