

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND
MAKE RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS
ON PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN FOR THE
WELLINGTON REGION**

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

**Hearing of submissions and further submissions on
Proposed Plan Change 1 to the Natural Resources
Plan for the Wellington Region under Schedule 1 of
the Act**

Statement of Evidence of Sally Barker Strang on behalf of
the New Zealand Farm Forestry Association

2 May 2025

Introduction

- 2 My full name is Sally Barker Strang.
- 3 I am Environment Manager for Manulife Investment Management Forest Management (NZ) Ltd (MFM NZ). MFM NZ manages approximately 208,000 hectares of plantation forest in the North Island.
- 4 I have prepared this statement of evidence on behalf of the New Zealand Farm Forestry Association (NZFFA) in respect of matters arising from the submissions and further submissions to Proposed Plan Change 1 to the Natural Resources Plan for the Greater Wellington Region (PC1) regarding vegetation clearance and forestry.
- 5 I have read the section 42A Hearing Report, Hearing Report, Hearing Stream 3¹ and the Technical Evidence of Mr Kevin Reardon, Mr Joshua Pepperell and Mr James Blythe that is referred to in the report.

Qualifications and Experience

- 6 I hold the qualification of Bachelor of Civil Engineering (First Class Honours), University of Canterbury (1993).
- 7 Since graduating I have worked in a number of environmental engineering and planning roles, initially in consultancy and subsequently in the wood processing and plantation forestry industry.
- 8 I have worked in the plantation forest industry for 25 years in environmental management roles. I was previously Environment Manager for Carter Holt Harvey Forests. I was employed as Environment Manager for Hancock Forest Management (NZ) Ltd in 2006. Hancock Forest Management was rebranded under the Manulife brand in 2021.
- 9 In my role I am responsible for our resource management processes, environmental management systems, legal compliance, consenting processes, maintaining environmental certification and operational education and compliance. I have three dedicated environmental staff who assist with these processes, including interpreting regulatory requirements, providing guidance

¹ Section 42A Hearing Report, Hearing Stream 3, Forestry and Vegetation Clearance, Shannon Watson, 15 April 2025

and training to our operations staff and contractors, and working with our contractors on the ground to ensure compliance.

- 10 I am a member of the NZ Institute of Forestry (NZIF) and was elected as a Fellow of the NZIF in 2024.
- 11 I am currently the Chairperson of the NZ Forest Owners Association and NZFFA Environment and Resources Committee.
- 12 I was a forestry representative on the working group that developed the National Environmental Standards for Plantation Forestry (NES PF) from 2009 through to 2017. I was also a member of the Stakeholder Implementation Working Group that undertook the one-year review of the NES PF in 2019.
- 13 I was a forestry representative on the Waikato Regional Council Collaborative Stakeholder Working Group tasked with developing Plan Change 1 in the Waikato Region, to address water quality issues in the Waikato and Waipa River catchments.

Code of Conduct

- 14 Although this is not an Environment Court proceeding, I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise. However, where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

Scope of Evidence

- 15 I have been asked by NZFFA to provide expert evidence on the conclusions of the Section 42A Hearing Stream 3 Report, Forestry and Vegetation Clearance regarding the proposed changes to the forestry rules in PC1. NZFFA asked me to particularly consider and comment on the need for the council to apply greater stringency for forestry activities in the two Whaitua, and the evidence of Mr Reardon and Mr Pepperell that is used to support the conclusions reached.
- 16 This evidence relates to:
 - (a) The importance of compliance monitoring
 - (b) The importance of non-regulatory methods including best practice education and guidance

- (c) Specific issues with the NES CF
- (d) Estimates of upcoming harvest in the region

Summary of Evidence

Importance of compliance monitoring

- 17 The evidence of both Mr Pepperell and Mr Reardon indicates that until recently the level of compliance monitoring and engagement with the forest industry has been relatively low. Furthermore, the limited monitoring that has taken place appears to have been focussed on consented activities, with monitoring of permitted activities only commencing in 2022. I am not clear what compliance monitoring took place before the NES PF was in place, but Mr Pepperell states in his evidence that the level of monitoring was increased after the NES PF came into force, which would indicate it was limited.
- 18 It is clear from Mr Pepperell's evidence that Greater Wellington Regional Council (GWRC) are making a distinction between consented and permitted activities when allocating monitoring resource, with a higher focus on consented activities. Having been involved in the development of the NES PF I know that was not the intent.
- 19 Harvesting and forestry activities were carried out as permitted activities under regional plan rules in many regions before the NES PF came into effect. Regional Council representatives on the NES PF working group raised concerns with non-compliant harvesting operations taking place under regional council permitted activity rules, where they didn't know harvesting was taking place until well after it was completed. The NES PF introduced a requirement for forestry companies to notify councils when and where regulated activities are taking place and (if requested) to provide copies of management plans. This for the first time gave councils visibility regarding permitted activity operations taking place in their region to enable them to schedule and prioritise monitoring. The NES PF also gave the councils the ability to charge for permitted activity monitoring, to remove the financial barrier to the council to undertake monitoring. I understand this was a first for a permitted activity under the RMA.
- 20 The company that I work for undertakes forestry operations in five regions (Northland, Auckland, Waikato, Bay of Plenty and Horizons) with currently 43 harvesting crews working full time in our operations and associated dedicated earthworks and forestry operations. Some harvesting is carried out under

resource consent (due to pre-existing consents, ESC classifications and the new NES CF slash regulations) _however the majority are operating under NES CF permitted activity regulations. All are subject to regional council monitoring.

- 21 The level of monitoring of our operations does vary between councils. Bay of Plenty Regional Council has always been proactive with forestry compliance monitoring, with experienced council staff undertaking routine monitoring of harvesting operations. Typically, higher risk forests with harvesting operations are audited at least twice per year, with additional checks as required after major weather events. Lower risk forests are typically audited annually. All of the other regions in which we operate undertake routine compliance monitoring of permitted and consented operations, but at varying frequencies.
- 22 As far as I am aware in the regions in which we operate, there is no difference in the frequency of monitoring between forests operating under NES CF permitted activity regulations or under resource consent. As I understand it, the frequency of monitoring is primarily based on the assessed level of risk of the forest and the operation being undertaken. In my experience there has also been no difference in the level of compliance or environmental outcomes between the forests that are consented or operating under NES CF regulations.
- 23 In my experience as an Environment Manager, interacting regularly with contractors in the field is by far the best means of improving environmental outcomes. Documentation and office-based training have their place, but regular face to face interaction and discussing real issues on the ground is far more effective to upskill operators and ensure requirements are actually being adhered to.
- 24 I agree with the evidence of Mr Reardon that regulatory monitoring is a proven way to provide education on environmental standards and improve performance. Ideally monitoring should be carried out by a compliance officer with forest industry experience, but that said, a monitoring officer with appropriate knowledge and qualifications will become familiar with forest operations by spending time in the field, viewing operations and talking with industry operators. I am aware that some councils are taking the opportunity for staff to spend time in the field with experienced compliance officers in adjacent regions which seems a good initiative to upskill staff.
- 25 The evidence of Mr Pepperell indicates there are some issues with the level of compliance under the current regulations, for both consented and permitted operations. From his evidence my impression is that this more relates to the

level of monitoring that has taken place in the past, rather than the adequacy of the regulations. In my experience lengthy regulations and resource consents will not alone deliver improvements, unless they are monitored by either a forestry management company or the council, and ideally both.

- 26 Upskilling council monitoring staff and undertaking regular routine monitoring of forestry operations in the region is in my view the obvious priority to improve environmental outcomes and compliance levels. Under the NES CF as it stands, the notification provisions, management plans and ability to charge for monitoring all provide the council with ample tools to manage compliance.

Importance of non-regulatory methods

- 27 Mr Reardon states in his evidence that prior to Forme's involvement, practically no non-regulatory methods were employed by the council to improve the environmental performance of forestry activities.
- 28 Mr Reardon notes, the NZ Forest Owners Association in conjunction with other parties (including Ministry for Primary Industries) has produced guidance material including the Forest Road Engineering Manual, the associated Operator's Guides and the NZFOA Forest Practice Guides. It is disappointing that Mr Reardon feels that these have not been widely promoted. They are readily available at no cost on the NZFOA and NZFFA websites and also referred to on the MPI website. I also know that the Regional Council staff are familiar with them and that FOA has sought their input when reviewing the documents.
- 29 The guides referred to be Mr Reardon are certainly considered as fundamental industry resources by all of the larger forestry management companies and used as a benchmark for expected best practice. While they are not regulatory documents in themselves, compliance with these documents is important evidence to demonstrate compliance is being achieved with the NES CF. The NES CF has detailed requirements for the preparation of management plans for forestry activities, which are now proposed to be duplicated in PC1. These require a forester to provide information on how they are going to meet the NES CF regulations. Referencing the practice guides is an efficient means of achieving this.
- 30 I have no direct experience with woodlot contractors that do not fall under the management of forestry management companies, but Mr Reardon's comments indicate more effort is required to promote these resources to smaller players.

- 31 All of the regions we operate within now have forest industry forum underway involving staff from forestry companies and the council. These are a useful forum to ensuring clear mutual understanding of the regulations, to discuss any current issues with compliance and to share best practice information. These have been particularly useful with the recent changes to the NES CF relating to slash management, that both council staff and forestry companies were having difficulty implementing. Bay of Plenty and Waikato have used these fora to discuss approaches to implementing the new rules with the industry and mutually work out ways to effectively implement the rules. This has been to the benefit of both council and forestry company staff. Similarly, we recently hosted Bay of Plenty consent planning staff and compliance staff in the field, to help give the consent planners a better practical understanding of forestry.
- 32 The Section 42A makes a number of recommendations regarding the increase in use of non-regulatory methods including the formation of an Environmental Work Group, working more closely with the forestry sector and landowners and developing a programme to increase the capability of council officers. Based on my experience in other regions, I support all of the proposed initiatives which should assist in achieving higher levels of compliance and improved outcomes.

Specific issues with the NES CF

- 33 Mr Reardon, Mr Pepperell and Mr Watson all raise shortcomings with the National Environmental Standards for Commercial Forestry (NES CF) that are used to justify the need for further stringency. I have been asked to provide comment on these. For the benefit of the panel I have attached as Attachment 1, the relevant sections of the NES CF with yellow highlights indicating sections relating to water quality and riparian disturbance.
- 34 Mr Reardon raises in his evidence that the NES CF does not specifically reference the forest industry best practice guidance material. This is because those documents were not produced for regulatory purposes. As with other industry best practice guidance, they were intended as information resources for the industry to guide and inform best practice. That said, the Forest Practice guides were initially developed by MPI specifically to support the NES PF and as they have been reviewed and updated, alignment with the NES PF (and more recently NES CF) has been a key factor. As noted above, the practice guides can be referenced in management plans, and compliance with the industry guides is in my view a key requirement to demonstrating good practice and ensuring compliance.

- 35 Mr Reardon raises a specific concern with ground-based equipment encroaching onto terrain and slopes better suited to cable logging (swing yarder or tower). For forest management companies, a routine part of harvest planning is identifying the optimum harvesting equipment configuration to suit the topography and in particular making the call on areas suitable for ground base logging vs hauler extraction. I have seen examples of smaller woodlot operations where ground-based equipment has been used to harvest topography that would be better suited to cable logging, presumably due to cost and availability of contractors with suitable equipment. In my experience this has always been an issue and certainly predates the NES PF coming into force. I am not aware of any past or current council rules (or even resource consents), that specify parameters where a particular harvesting configuration must be used. The decision on suitable equipment is site specific, taking into account not just the slope but also the length of slopes, any limits to access and topographical limits to constructing roads and landings, all of which needs input from a harvest planner. It would be very difficult to write rules that adequately cover this. That said if the wrong harvesting configuration is used resulting in excessive soil disturbance, it will almost certainly breach regulations 67 and 68 of the NES CF.
- 36 Mr Reardon raises a concern in his evidence with ground-based extraction being undertaken over waterways causing disturbance and that in his opinion this issue has increased under the NES CF because of exceptions included in the regulations. It is not clear what the basis is for his view that disturbance has increased given that Forme has only recently been engaged to assist GWRC and Mr Pepperell's evidence indicates that prior to the NES PF coming into force limited monitoring of forestry activities was undertaken.
- 37 Disturbance to waterways and riparian zones is a key consideration when planning harvest and the NES CF harvesting regulations do include specific regulations related to protecting riparian zones and minimising disturbance. When the NES PF was being developed a key source of information was a review of all regional and district plan rules in place at the time, governing forestry activities. Brown and Pemberton Planning Group was engaged by MfE to undertake a review of both regional and district council regulations that were in place at the time. I have attached as Attachment 2, extracts from Brown and Pemberton's report on regional council regulations² which includes a summary

² Brown & Pemberton Planning Group 2010. *Review of 12 Regional Council and 4 Unitary Authority RMA Plan Provisions Relating to Plantation Forestry.*

of the rules that were in place at the time. Again, relevant rules in the Annexes to the report have been highlighted in yellow. As can be seen from the summary, a number of councils had somewhat similar rules to the NES CF regulations and had very similar exclusions (noted by asterisks). That is simply because it reflects practical reality. If a tree is leaning heavily over a waterway there is simply no practical or safe way to fall it away from the waterway. Similarly, there are some instances where operating a machine in the riparian zone will deliver the best outcome, for example to machine assist falling a tree away from the waterway. There will also be instances such as constructing stream crossings, where it is clearly essential to operate the machine within the riparian zone. Writing black and white rules that simply cannot be met in practice will not result in better environmental outcomes.

- 38 NES CF regulation 68 was drafted to be clear that exceptions to the regulations to protect the waterway (tree falling, machinery setbacks) are only for the reasons specified, and there is an overarching requirement to minimise disturbance. In my experience in the regions in which we operate, if a waterway were disturbed excessively during harvest, the council would raise this as a noncompliance in inspections.
- 39 Mr Reardon raises the concern that regulation 24(3) of the NES CF is not widely adhered to in the Greater Wellington Region and that this is not being picked up in compliance monitoring. Regulation 24(3) limits the volume of earthworks that can be carried out in orange zoned land to 5,000m³ in any 3-month period. This was intended to allow for minor upgrades of roading in second or third rotation forests with existing roading. It would allow for only a very small amount of capital road construction in first rotation forests without a consent being required. Our company engineers undertake engineering design of new road construction in steep topography using a design programme called RoadEng which calculates the volume of earth to be moved for different road alignments. This makes it very easy to identify where the threshold is breached. For smaller parties without access to programmes like RoadEng it is still relatively straight forward to calculate the ballpark volume of soil to be moved based on the slope, length and road profile, to determine whether the threshold is likely to be exceeded. Similarly this can be calculated by the council after the fact if they believe it has been exceeded. If this regulation is not being complied with, this is a compliance issue for the council to enforce. In my view the regulation itself is clear and straightforward.

- 40 Mr Reardon raises the specific issue that the contour scale of 20m specified in schedule 6 of the NES CF (Harvest Plan) is not sufficiently detailed. I agree with Mr Reardon that harvest plans are typically mapped with 5m contours. I canvassed the NZ FOA Environment Committee members and all companies were producing maps with 5m contours, other than one company in very steep topography in Nelson was using 10m to avoid the lines being too cluttered. As far as I can recall, the reason why 20m contours was specified in Schedule 6, was due to concerns that small woodlot owners do not have access to GIS systems to derive more detailed contours. At that time the most widely available information to a general landowner would be the NZMS 260 series Topographical Maps, which show 20m contours. Contour lines are not a critical source of information for the operator on the ground, particularly in small blocks with straight forward topography. They are useful in tricky topography to understand the layout of ridges etc, particularly for an office-based person not familiar with the site interpreting operational plans.
- 41 The Section 42a report recommends duplicating all of Schedules 3, 4 and 6 of the NES CF (as new schedules 34A, 34B and 34C) in PC1, with an amendment requiring the contour lines be mapped at a 5m scale. I support the intent for this change, provided that contours can be made readily available to small forest owners without access to GIS. I understand (from talking with our company GIS Manager) that there is now almost 100% LiDAR coverage for NZ and that regional councils are making this available via their ArcGIS hubs and that. Regional Councils will have the ability to create contour lines from the LiDAR data. If 5m contours are to become a regulatory requirement for forestry plans then it is in my view essential that GWRC develop a 5m contour layer and make it available to forest owners. The Section 42A report (para 208) indicates that this may be the intent.
- 42 As far as the general approach, it would be simpler and more efficient to refer to the NES CF schedules in PC1 and specify an additional permitted activity requirement that a 5m contour scale is required for plans, rather than duplicating the full schedules in PC1. That would reduce duplication and would also mean that PC1 would stay current if there are any refinements to the schedules in the NES CF schedules in future. Horizons Regional Council have used this approach in the Horizons One Plan rule for plantation forestry (Rule LF-LAND-R3). The NES CF regulations apply to forestry in the Horizons Region, but with some specific additional requirements.

- 43 In the section 42A report Mr Watson raises the concern that the NES CF does not contain 'clear and specific thresholds for all activities' which have the potential to impact water quality and includes text such as 'wherever practicable' and 'except where it is unsafe to do so'. This simply reflect the nature of plantation forestry and the variable topography and environments in which we operate. The wording in the NES CF was carefully developed over many years with input from working group members from a range of backgrounds and were ultimately drafted by the Parliamentary Counsel Office. The wording also took into consideration advice that MPI sought from WorkSafe. As can be seen in the Brown and Pemberton report (Attachment 2), regional plan rules in place prior to the NES CF contained similar text.
- 44 In my experience it is simply not possible to write black and white rules (in either regulations or consent conditions) that cover all situations for forest harvesting, because of the scale of the activity, the varying topography and the need to apply judgement and to weigh up safety, environmental and practical considerations to come up with the best overall solution. In forestry the overarching priorities are to ensure the safety of our workers and members of the public, and to minimise damage to the environment. In some instances, it is simply not possible to harvest trees that were planted in unsuitable locations and the trees will then be left unharvested. In difficult topography this is not unusual and if it is warranted, they may be felled to waste or poisoned standing. All of this requires site specific judgement.
- 45 Using the difficulty of writing specific regulations as a reason for deferring an activity to a resource consent is in reality simply kicking the can down the road and delegating the problem to council consent planners. In my experience consent planners have just has much difficulty writing specific consent conditions and in many cases our consents have ended up with conditions largely based on the existing NES CF regulations. In operations we operate to the same standards in the field, regardless of whether operations are consented of operating under permitted activity. The only material variation is where consents allow for outcomes that would not meet the NES CF permitted activity regulations (e.g. slash consents allowing for slash to be left insitu exceeding the NES CF limits). The consent processes generally end up with the same outcome in the field, but at significantly greater cost and time to both the forester and councils.
- 46 In the Section 42A report, Mr Watson raises the concern about the ability for the Council to require improvements to t management plans produced under

Schedules 3, 4 and 6 of the NES CF. As noted above prior to the NES PF coming into force forestry activities, including harvesting, could be undertaken as a permitted activity in many regions. The NES CF for the first time required notification of all forestry operations and provision of plans to councils. This provides councils far more information about the forestry activities taking place in their region than they had before, and good information to prioritise monitoring. NZFFA members have informed me that the level of information required now exceeds most small growers capabilities, to the point that they now use professional advisors to assist with preparing management plans and maps.

- 47 If a council has material concerns regarding an earthworks or harvest plan methodology, they can easily raise this with the party undertaking the work prior to commencement, and if necessary, caution them as to their concerns and intent to monitor the operation more frequently. This approach is used by other councils if they have concerns. If an earthworks or harvesting operation does proceed with a seriously flawed plan, and therefore does cause unacceptable environmental damage, it will almost certainly be in non-compliance with specific requirements of regulations 67, 68 and 69 of the NES CF and this can be resolved. Prior to the NES CF coming into force, permitted forestry operations were often completed and the contractor moved from the site before the council was even aware the activity was taking place.
- 48 Mr Pepperell states in his evidence that the NES PF and NES CF regulations have been and are still hard to enforce. He raises a number of specific issues. The first is the conflict between the environment and health and safety. Sometimes there are situations where a better environmental outcome could be achieved by using a methodology that would place a worker at high risk. The most obvious example is the tension between manual falling vs using a falling machine. The latter is clearly significantly safer but will inevitably create greater soil disturbance than a man on the ground with a chainsaw. Regardless of how the regulations are worded this practical tension will always exist. Resource consents or rewording RMA regulations to remove the words 'unless it would be unsafe to do so' will not remove the forest managers obligation to comply with the Health and Safety at Work Act and their moral obligation to ensure the safety of their workers.
- 49 Mr Pepperell also raises in his evidence a number of practical issues such as the challenges for council staff interpreting harvest plans, determining in the field whether a bench has been formed under slash storage areas and

assessments of whether slash left in the riparian zones is stable. Again, none of these issues are directly related to the wording of the NES CF regulations and will still exist whether the operation is carried out under consent or permitted activity regulations. They simply reflect the nature of plantation forestry. Deferring these activities to resource consents will not in my opinion resolve any of these issues.

Upcoming Harvest in the Region

- 50 The NZFFA asked me to comment on the advice of Mr Reardon regarding upcoming harvest in the region, which has been referred to the Section 42A report, predicting a 40% increase in harvest area in the two Whaitua over the next 5 years. I have no knowledge of the harvest intentions of individual forest owners in the region and it is possible that no-one does, however I would caution against using tree age alone to predict planned harvest.
- 51 The optimum age of harvest for radiata pine is generally considered to be around 28 years. That said, even in a large estate such as ours, with a long-term harvest schedule in place (80 years), wood supply agreements with processors and a large pool of dedicated harvesting contractors, practical considerations mean the age of harvest spreads over a broader spread of tree age – typically from as young 26 years up to mid-30's. This is particularly the case in first rotation forests that were generally planted over one year, but the time required to build roads spreads the harvest over a number of years. There will also be trees that have been planted that simply cannot be practically or economically harvested and may be left standing. The advent of the emissions trading scheme also means that for forests planted post 1990, forest owners have another revenue stream from carbon sequestration. In areas with high harvesting and distribution costs it may be that the earnings from the ETS exceed what would be made from harvesting, and again the trees will be left to grow on. Even if the landowner does intend to harvest, for small woodlot owners it is very typical to time harvest to coincide with a spike in log prices, which means that harvest timing is sporadic and difficult to predict. All of which means that tree age alone is not a good indicator of harvest intentions, even for large forest owners.
- 52 I note in the evidence of Mr Pepperell he states that the largest forest owner in the catchments is in fact the council. That being the case they should

presumably have direct access to information regarding planned timing of harvest of these forests.

Conclusions

- 53 My main impression from review of the evidence is that the level of compliance monitoring of forestry operations in the Greater Wellington region has until recently been relatively low and has been primarily focussed on consented operations. Despite new tools provided in the NES PF (now NES CF) to inform the council of where and how operations have taken place, and the ability to charge for permitted activity monitoring, the council does not appear to have undertaken permitted activity monitoring until recently.
- 54 Almost all of the shortcomings raised with the NES CF are not in my opinion directly related to the NES CF wording and the challenges raised will remain the case whether activities are carried out under the NES CF or resource consents.
- 55 In my experience consent planners will have the exact same challenges writing clear specific conditions in resource consents for larger scale forestry operations as is the case in drafting plan regulations.
- 56 Deferring all five of the proposed forestry activities to restricted discretionary activity status seems an excessive response to the challenges and in my opinion is not warranted by the evidence. Based on my experience elsewhere, I am doubtful that deferring the activities to a restricted discretionary activity status will result in better environmental outcomes and will certainly incur greater costs and the need for greater resourcing, for both foresters and the council.
- 57 The more effective response would be for the council to increase interaction with the forest industry, upskill monitoring staff and undertake routine targeted compliance monitoring based on the level of risk, regardless of activity status.

DATED 5 May 2025



Sally Barker Strang

Attachment 1: Extracts from the NES CF (provisions relating to waterway protection highlighted)

7A Joint notice permitted

If notice is required to be given under these regulations for more than 1 commercial forestry activity at the same time, a joint notice covering all the proposed activities is permitted.

Regulation 7A: inserted, on 3 November 2023, by regulation 8 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Part 2 Regulation of commercial forestry activities

Part 2 heading: amended, on 3 November 2023, by regulation 9 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Subpart 1—Afforestation

8 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 10, 11, 12, and 17(1)	Regional council and territorial authority
Regulations 9(1), 13, 14(1) and (2), 15(1) to (4), 16(1), and 17(2)	Territorial authority
Regulations 9(2), 14(3), 15(5) and (6), 16(2), and 17(3) and (4)	Regional council

9 Permitted activity

Territorial authority

- (1) Afforestation is a permitted activity if regulations 10, 11, 12, 13, and 14(1) and (2) are complied with.

Regional council

- (2) Afforestation is a permitted activity if regulations 10, 11, 12, and 14(3) are complied with, in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for afforestation is 2 ha or less in any calendar year.

10 Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the location where the afforestation will occur and the proposed setbacks (including a description of how these were calculated); and
 - (b) the dates on which the afforestation is planned to begin and end.
- (2) Notice under subclause (1) must be given at least 20 working days and no more than 8 months before the date on which the afforestation is planned to begin.

Regulation 10(2): amended, on 3 November 2023, by regulation 11 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

10A Permitted activity conditions: afforestation management plan

- (1) An afforestation management plan is required for all afforestation activities.
- (2) An afforestation management plan must be provided to the relevant council on written request.
- (3) An afforestation management plan must include all forest planning requirements that apply to the afforestation activity.
- (4) Amendments to the afforestation management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Afforestation activities must be carried out in accordance with the afforestation management plan.

Regulation 10A: inserted, on 3 November 2023, by regulation 12 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

11 Permitted activity condition: wilding tree risk and control*Calculator*

- (1) A wilding tree risk calculator score must be—
 - (a) applied to any land on which afforestation of a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) completed no more than 8 months before notice is given under regulation 10.
- (2) In subclause (1), **suitably competent person** means a person with—
 - (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or

- (b) at least 5 years' experience in silviculture that includes forest establishment.
- (3) Afforestation of a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more.
- (4) The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10:
 - (a) the score required under subclause (1) and the calculation sheet used to provide that score;
 - (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made.

Control measures

- (5) All wilding conifers resulting from the afforestation activity must be eradicated at least every 5 years after afforestation where established in wetlands or significant natural areas—
 - (a) on the same property on which the afforestation activity occurs; and
 - (b) on any other adjacent properties under the same ownership or management as that of the property on which the afforestation activity occurs.

Regulation 11(1)(c): amended, on 3 November 2023, by regulation 13(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 11(4): replaced, on 3 April 2024, by regulation 13(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 11(5): amended, on 1 May 2018, by regulation 6 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

12 Permitted activity condition: significant natural areas and outstanding features and landscapes

Afforestation must not occur within a significant natural area or an outstanding natural feature or landscape.

13 Permitted activity condition: visual amenity landscapes

Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict commercial forestry activities within that landscape.

Regulation 13: amended, on 3 November 2023, by regulation 14 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

14 Permitted activity condition: setbacks

Territorial authority

- (1) Afforestation must not occur—

- (a) within 10 m of the boundary of an adjoining property that is not owned by the owner of the commercial forest or the land it is located on (unless that adjoining property is also commercial forest); or
 - (b) except in the case of a dwelling located on the same property as the proposed commercial forestry to be afforested, within the greater of—
 - (i) 40 m of a dwelling; and
 - (ii) a distance where the forest species when fully grown would shade a dwelling between 10 am and 2 pm on the shortest day of the year, except where topography already causes shading; or
 - (c) within 30 m of the boundary of land zoned in a district plan as a papakāinga or an urban area; or
 - (d) within 10 m of a significant natural area.
- (2) Afforestation must not occur where a commercial forest tree, when fully grown, could shade a paved public road between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading.

Regional council

- (3) Afforestation must not occur—
- (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width of less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (v) a significant natural area; or
 - (c) within 30 m of the coastal marine area.

Regulation 14(1)(a): amended, on 3 November 2023, by regulation 15(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 14(1)(b): amended, on 3 November 2023, by regulation 15(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 14(2): amended, on 3 November 2023, by regulation 15(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

- (b) methods used to minimise erosion and the deposit of slash:
- (c) the effects on ecosystems, fresh water, and the coastal environment:
- (d) the effects on downstream infrastructure and property:
- (e) the information and monitoring requirements.

Subpart 3—Earthworks

22 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 23	Territorial authority
Regulations 24 to 35	Regional council

23 Permitted activity: territorial authority

Earthworks are a permitted activity.

24 Permitted activity: regional council

- (1) Earthworks are a permitted activity if regulations 25 to 33 are complied with and the activity is as specified in subclause (2).
- (2) The earthworks may be—
 - (a) in a green or yellow zone; or
 - (b) in an orange zone with a land slope of less than 25 degrees; or
 - (c) in an orange zone with a land slope of 25 degrees or more and, in any 3-month period, comprise—
 - (i) side cutting to a height of 2 m to 3 m over a continuous length of no more than 100 m; and
 - (ii) the deposition of less than 500 m³ of spoil or fill; or
 - (d) in a red zone and, in any 3-month period, comprise—
 - (i) side cutting less than 2 m deep over a continuous length of no more than 50 m; and
 - (ii) the deposition of less than 100 m³ of spoil or fill.
- (2A) Earthworks referred to in subclauses (3) and (4) are exempted from the requirements in subclause (2)(c) and (d) and are a permitted activity if regulations 25 to 33 are complied with.
- (3) The earthworks may be maintenance and upgrade of existing earthworks in any erosion susceptibility classification zone if the volume moved in any 3-month period is less than 5 000 m³.

- (4) The earthworks may be forestry road widening or realignment in any erosion susceptibility classification zone if—
- (a) the volume moved in any 3-month period is less than 5 000 m³; and
 - (b) where earthworks will be undertaken on a slope of more than 25 degrees, cut and fill road construction is used that involves—
 - (i) construction of a forestry road heading on the same grade as the road, but below the road formation height, to provide a bench below a forestry road to contain and stabilise the fill slope road and create a stable base; and
 - (ii) keying and compacting the fill to the bench; and
 - (c) spoil material is end-hauled to a safe containment area in any circumstance where—
 - (i) earthworks will be undertaken on a slope of more than 35 degrees; or
 - (ii) spoil cannot be benched in a manner that retains stability; and
 - (d) a record of any forestry road widening or realignment is maintained, and the record is available for inspection by the relevant council.

Regulation 24(1): amended, on 1 May 2018, by regulation 8(1) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

Regulation 24(2A): inserted, on 1 May 2018, by regulation 8(2) of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

25 Permitted activity conditions: notice

- (1) If earthworks involve more than 500m² of soil disturbance in any 3-month period, the relevant regional council must be given written notice of—
- (a) the place where earthworks are to be carried out; and
 - (b) the dates on which the earthworks or road widening and realignment are planned to begin and end.
- (2) Notice under subclause (1) must be given—
- (a) at least 20 and no more than 60 working days before the date on which the earthworks or road widening and realignment are planned to begin; or
 - (b) for earthworks or road widening and realignment in green or yellow erosion susceptibility zones, at least 10 and no more than 60 working days before the date on which the activity is planned to begin; or
 - (c) for earthworks that are required for salvage operations, a minimum of 2 days before the date on which the earthworks are planned to begin; or
 - (d) in the case of ongoing earthworks, annually.

- (3) The council may request a copy of the forestry earthworks management plan and a copy must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 27(2)(c) or (d).

Regulation 25(2): replaced, on 3 November 2023, by regulation 18 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 25(3): replaced, on 1 May 2018, by regulation 9 of the Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (LI 2018/63).

26 **Permitted activity conditions: sediment**

Sediment originating from earthworks must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

27 **Permitted activity conditions: forestry earthworks management plan**

- (1) A forestry earthworks management plan is required for all earthworks that involve more than 500 m² of soil disturbance in any 3-month period.
- (2) A forestry earthworks management plan must—
 - (a) identify the environmental risks associated with the earthworks and provide measures to avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - (b) contain the details required by Schedule 4; and
 - (c) be in place at least 20 working days before the earthworks begin; and
 - (d) if the earthworks are required for a salvage operation, be in place 2 days before the earthworks begin.
- (3) The forestry earthworks management plan must be provided to the relevant council on written request. The council may request that the forestry earthworks management plan be provided annually.
- (4) Material amendments to the forestry earthworks management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) In subclause (4), **material amendment** means any significant change to the location of forestry roads, forestry tracks, or landings, or changes to the matters required by subclause (2)(a) that would significantly change the methods used to manage environment effects.

- (6) If a forestry earthworks management plan is required under subclause (1), earthworks must be carried out in accordance with the plan.

Regulation 27(2)(b): replaced, on 3 November 2023, by regulation 19 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

28 Permitted activity conditions: operation

- (1) Earthworks in any orange or red zone that are not required for harvesting within 12 months must be stabilised within 20 working days of their completion.
- (2) Soil disturbance in ephemeral flow paths must avoid accelerated erosion, obstruction, or diversion of water flow.
- (3) In this regulation, **ephemeral flow path** means the route that water from intermittent rainfall events follows, if—
- (a) the flow path is an entrenched dry gully greater than 1 m deep; or
 - (b) there is evidence of a channel within the valley system where overland flow occurs from time to time; or
 - (c) there is evidence of erosion (such as gully erosion or headward gully erosion) associated with short-term water flow from time to time within the valley system; or
 - (d) there is evidence of an active bed activated by rain events.

29 Permitted activity conditions: setbacks

- (1) Earthworks must not occur within 10 m of—
- (a) a perennial river; or
 - (b) wetlands larger than 0.25 ha; or
 - (c) lakes larger than 0.25 ha; or
 - (d) an outstanding freshwater body; or
 - (e) a water body subject to a water conservation order.
- (2) Earthworks must not occur within 30 m of the coastal marine area.
- (3) The setbacks in subclause (1) do not apply—
- (a) if the earthworks are for the construction and maintenance of a river crossing, a sediment or water control measure, or a slash trap or debris retention structure; or
 - (b) if the earthworks within the setback will result in less than 100 m² of soil disturbance in any 3-month period, and are not within 5 m of the water body; or
 - (c) during the maintenance and upgrade of existing earthworks.

30 Permitted activity conditions: fill and spoil

Fill

- (1) Fill must contain no more than 5% (by volume) of vegetation and wood.

Spoil

- (2) Spoil must not be deposited—
- (a) where it may cause failure of the deposited material or the underlying land; or
 - (b) over slash or woody vegetation; or
 - (c) into a water body, coastal water, or a significant natural area; or
 - (d) onto land in circumstances that may result in the spoil or sediment entering water.

31 Permitted activity conditions: sediment and stormwater control measures

- (1) All disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—
- (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments including the coastal environment.
- (2) Stormwater, water run-off, and sediment control measures must be installed and maintained.
- (3) Batters, cuts, and side cast construction must use methods that maintain stability.
- (4) The minimum stormwater culvert internal diameters for any forestry road or forestry track are—
- (a) 325 mm internal diameter in any green, yellow, or orange zone with a land slope of less than 25 degrees;
 - (b) 375 mm internal diameter in any orange zone with a land slope of 25 degrees or more in any red zone.

32 Permitted activity conditions: stabilisation

- (1) Exposed areas of soil, except firebreaks, that may result in sediment entering water must be stabilised as soon as practicable after completion of the activity, but no later than the last day of the autumn or the spring, whichever is sooner, after completion of the activity.
- (2) Suitable measures for stabilisation include—
- (a) seeding;
 - (b) vegetative cover, mulch, or slash cover;
 - (c) compacting, draining, roughening, or armouring by the placement of rock or the use of other rigid materials.

33 Permitted activity conditions: roads, tracks, and landings

- (1) Forestry roads, forestry tracks, and landings must be managed and aligned to—
 - (a) divert water run-off and disperse water flows to stable ground and away from constructed fill; and
 - (b) minimise disturbance to earthflows and gullies.
- (2) In this regulation, **earthflow** means rapid flowing of soil and underlying weathered material on slopes of between 10 and 20 degrees that is characterised by—
 - (a) an overthrust bulging dome at the toe, a depressed, fissured, and disrupted centre upslope, and slipping or slumping at the head; and
 - (b) prominent transverse cracks, particularly in the upper region of the movement.

34 Controlled activity: regional council

- (1) Earthworks are a controlled activity if the earthworks are in an area and of a volume specified in regulation 24, and regulation 25 is not complied with.
- (2) Control is reserved over the information on the activity required by the notice under regulation 25(1).

35 Restricted discretionary activity: regional council

- (1) Earthworks are a restricted discretionary activity if the earthworks are in an area and of a volume set out in regulation 24, and any provision of regulations 26 to 33 is not complied with.
- (2) Earthworks are a restricted discretionary activity in—
 - (a) any orange zone with a land slope of 25 degrees or more where the threshold specified in regulation 24(2)(c) is exceeded; and
 - (b) any red zone where the threshold specified in regulation 24(2)(d) is exceeded; and
 - (c) any zone where the earthworks are the maintenance and upgrade of existing earthworks and exceed the threshold in regulation 24(3); and
 - (d) any zone where the earthworks are for forestry road widening or realignment and exceed the thresholds and standards in regulation 24(4); and
 - (e) any area where the land is undefined in the erosion susceptibility classification.
- (3) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the effects on ecosystems, fresh water, and the coastal environment;
 - (c) the effects on vegetation in the riparian zone;
 - (d) the method of stabilising soil disturbance;

- (b) the visual, dust, and noise effects on adjoining properties:
- (c) the dimensions of cut and fill:
- (d) the effects on traffic and public roading infrastructure:
- (e) the effects on adjacent landowners, dwellings, urban areas, and papakāinga:
- (f) the information and monitoring requirements.

Restricted discretionary activity: regional council

- (3) Forestry quarrying is a restricted discretionary activity in any green or yellow zone, or in any orange zone except in earthflow terrain, if regulation 54(3) or (4) or 56(1) is not complied with.
- (4) Forestry quarrying is a restricted discretionary activity in any—
 - (a) red zone:
 - (b) earthflow terrain in any orange zone:
 - (c) area of land that is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (5) For the purpose of subclause (3) or (4), discretion is restricted to—
 - (a) the timing, location, and duration of the activity:
 - (b) the area and volume of forestry quarrying:
 - (c) the disposal of fill and overburden:
 - (d) the method of stabilisation of disturbed soil, fill, and overburden:
 - (e) stormwater control:
 - (f) sediment retention and run-off management methods:
 - (g) the effects on ecosystems, fresh water, and the coastal environment:
 - (h) the effects on vegetation in the riparian zone:
 - (i) measures to rehabilitate land:
 - (j) the dimensions of cut and fill:
 - (k) the preparation and content of a quarry erosion and sediment management plan:
 - (l) the information and monitoring requirements.

Subpart 6—Harvesting

62 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 64(1) and (2), 71A, and 71B	Regional council and territorial authority
Regulations 63(1) and 70(1) and (2)	Territorial authority
Regulations 63(2) and (3), 64(3), 65 to 69, 70(3) and (4), 71, and 71C	Regional council

Regulation 62: replaced, on 3 November 2023, by regulation 32 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

62A Application of provisions in this subpart

- (1) Regulations 63 to 71 apply in respect of plantation forests.
- (2) Regulations 71A to 71C apply in respect of exotic continuous-cover forests.

Regulation 62A: inserted, on 3 November 2023, by regulation 33 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Plantation forests

Heading: inserted, on 3 November 2023, by regulation 33 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

63 Permitted activity

Territorial authority

- (1) Harvesting is a permitted activity if regulation 64(1) and (2) is complied with.

Regional council

- (2) Harvesting is a permitted activity if regulations 64 to 69 are complied with and the harvesting is in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone that is not of Land Use Capability Class 8e, where it involves no more than 2 ha of harvesting in any 3-month period.
- (3) Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if regulations 64 to 69 are complied with.

Regulation 63(3): amended, on 3 November 2023, by regulation 34 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

64 Permitted activity conditions: notice

Territorial authority and regional council

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the place where harvesting will be carried out; and

- (b) the dates on which the harvesting is planned to begin and end.
- (2) Notice under subclause (1) must occur—
 - (a) at least 20 and no more than 60 working days before the date on which the harvesting is planned to begin; or
 - (b) a minimum of 2 days before the date on which harvesting required for salvage operations is planned to begin; or
 - (c) annually, in the case of ongoing harvesting operations.

Regional council

- (3) After notice is given under subclause (1), the council may request a copy of the harvest plan and a copy of the harvest plan must be given within 5 working days of the date by which the plan must be in place in accordance with regulation 66(2)(c).

65 Permitted activity conditions: sediment

Sediment originating from harvesting must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:

- (a) any conspicuous change in colour or visual clarity;
- (b) the rendering of fresh water unsuitable for consumption by farm animals;
- (c) any significant adverse effect on aquatic life.

66 Permitted activity conditions: harvest plan

- (1) A harvest plan is required for all erosion susceptibility classification zones.
- (2) A harvest plan must—
 - (a) identify the environmental risks associated with the earthworks and provide operational responses to those risks that avoid, remedy, or mitigate the adverse effects of the activity on the environment; and
 - (b) contain the details required by Schedule 6; and
 - (c) be in place at least 20 working days before harvesting begins, except where the harvesting is a salvage operation; and
 - (d) if the harvesting is a salvage operation, be in place before harvesting begins.
- (3) In the case of any orange or red zone, a harvest plan must be accompanied by a forestry earthworks management plan that contains the details required by Schedule 4 or a combined plan that contains all the details required by Schedules 4 and 6.
- (4) The harvest plan must be provided to the relevant council on written request. The council may request that the harvest plan be provided annually.

- (5) Material amendments to the harvest plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (6) In subclause (5), **material amendment** means any significant change in harvest regime, such as changing from ground-based to hauler, or changes to the matters required by subclause (2) that would change the methods used to manage environmental effects.
- (7) Any harvesting activities must be undertaken in accordance with the harvest plan.

Regulation 66(2)(b): replaced, on 3 November 2023, by regulation 35(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 66(3): amended, on 3 November 2023, by regulation 35(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

67 Permitted activity conditions: ground disturbance

- (1) Harvest systems must be planned and located to achieve butt suspension wherever practicable.
- (2) Disturbed soil must be stabilised or contained to minimise sediment entering into any water and resulting in—
 - (a) the diversion or damming of any water body; or
 - (b) degradation of the aquatic habitat, riparian zone, freshwater body, or coastal environment; or
 - (c) damage to downstream infrastructure and properties.

68 Permitted activity conditions: disturbance of margins of water bodies and coastal marine area

- (1) Trees must be felled away from any water body or riparian zone during harvesting, except where it is unsafe to do so, to minimise disturbance to the margins of water bodies and to the coastal marine area.
- (2) If the exception in subclause (1) applies, trees must be felled directly across the water body for full-length extraction before de-limbing or heading.
- (3) Full suspension tree harvesting in a manner that lifts the entire tree above the ground must be achieved across rivers of 3 m or more in width.
- (4) Harvesting machinery must not be operated, except where subclause (5) applies,—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—

- (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
- (c) within 30 m of the coastal marine area.
- (5) Harvesting machinery may be operated in the setbacks required by subclause (4) only if—
 - (a) any disturbance to the water body from the machinery is minimised; and
 - (b) the harvest machinery is being operated—
 - (i) at water body crossing points; or
 - (ii) where slash removal is necessary; or
 - (iii) where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4).
- (6) When harvesting occurs within or across a riparian zone, all disturbed vegetation, soil, or debris must be deposited to avoid it entering into water, and to avoid—
 - (a) diversion or damming of any water body or coastal water;
 - (b) degradation of any aquatic habitat or riparian zone;
 - (c) damage to downstream infrastructure or property.

69 Permitted activity conditions: slash and debris management

- (1) Slash from harvesting that is produced at or on a landing must be placed onto stable ground.
- (2) Slash from harvesting that is at or on a landing must be managed to avoid the collapse of—
 - (a) a slash pile; or
 - (b) the ground under a slash pile.
- (3) Slash from harvesting must not be deposited into a water body or onto the land that would be covered by water during a 5% AEP event.
- (4) If subclause (3) is not complied with, slash from harvesting must be removed from a water body and the land that would be covered by water during a 5% AEP flood event, unless to do so would be unsafe, to avoid—
 - (a) blocking or damming of a water body;
 - (b) eroding river banks;
 - (c) significant adverse effects on aquatic life;
 - (d) damaging downstream infrastructure, property, or receiving environments, including the coastal environment.

- (5) On orange zone and red zone land (as described in regulation 63(2)(b)), slash from harvesting that is sound wood must be removed from the cutover, unless it is unsafe to do so, if it has—

- (a) a length of over 2 m; and
- (b) a large-end diameter of over 10 cm.

- (6) However, residual slash may be left on the cutover.

- (7) In this regulation,—

residual slash means a quantity of the slash required to be removed under subclause (5) not exceeding 15 m³ per hectare of the cutover

sound wood means wood that can be safely lifted using harvesting equipment and transferred to a landing without degrading or breaking up.

Regulation 69(1): amended, on 3 November 2023, by regulation 36(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 69(2): replaced, on 3 November 2023, by regulation 36(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 69(5): inserted, on 3 November 2023, by regulation 36(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 69(6): inserted, on 3 November 2023, by regulation 36(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 69(7): inserted, on 3 November 2023, by regulation 36(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

70 Controlled activity

Controlled activity: territorial authority

- (1) Harvesting is a controlled activity if regulation 64(1) or (2) is not complied with.

Matters over which control is reserved

- (2) For the purpose of subclause (1), control is reserved over the information on the activity required by the notice under regulation 64(1).

Controlled activity: regional council

- (3) Harvesting is a controlled activity—

- (a) in any green, yellow, or orange zone if any provision of regulations 64 to 69 is not complied with;
- (b) in any red zone not of Land Use Capability Class 8e where it involves more than 2 ha of harvesting in any 3-month period.

Matters over which control is reserved

- (4) For the purpose of subclause (3), control is reserved over—

71C Discretionary activity: regional council

Harvesting (other than low-intensity harvesting) in all erosion susceptibility classification zones is a discretionary activity.

Regulation 71C: inserted, on 3 November 2023, by regulation 39 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Subpart 7—Mechanical land preparation

72 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 73(1)	Territorial authority
Regulations 73(2), 74, and 75	Regional council

73 Permitted activity

Territorial authority

- (1) Mechanical land preparation is a permitted activity.
Regional council
- (2) Mechanical land preparation is a permitted activity if regulation 74 is complied with and the mechanical land preparation is in any—
 - (a) green or yellow zone; or
 - (b) orange or red zone where the land slope is less than 25 degrees; or
 - (c) orange or red zone where the land slope is 25 degrees or more, if the subsoil is not affected; or
 - (d) orange or red zone where the land slope is 25 degrees or more, and where the subsoil is affected, but the area covered by the mechanical land preparation activity is 2 ha or less in any calendar year.

74 Permitted activity conditions: methods, sediment, and setbacks

Methods

- (1) Mechanical land preparation must be carried out parallel to the contour of the land, except if—
 - (a) it is roller crushing or downhill ripping; or
 - (b) working parallel would be unsafe.
- (2) If mechanical land preparation is not carried out parallel to the contour of the land, sediment control measures must be used to minimise sediment discharges to water bodies.

- (3) Continuous downhill ripping of soil must be less than 50 m and sufficient distance must be maintained between ripping so that entrained water from each ripping furrow does not reach another ripping furrow.
- (4) Downhill ripping is not permitted on land with a gully or tunnel gully erosion risk identified in the erosion susceptibility classification as severe or greater.
- (5) Exposed areas of soil that may result in sediment entering water must be stabilised as soon as practicable after the completion of the activity, but no later than 30 November or 31 May, whichever is sooner, after completion of the activity.

Sediment

- (6) Sediment originating from mechanical land preparation must be managed to ensure that after reasonable mixing it does not give rise to any of the following effects in the receiving waters:
 - (a) any conspicuous change in colour or visual clarity;
 - (b) rendering fresh water unsuitable for consumption by farm animals;
 - (c) any significant adverse effect on aquatic life.
- (7) All disturbed soil must be stabilised or contained to minimise the movement of sediment into any water body or coastal water resulting in—
 - (a) the diversion or damming of any water body; or
 - (b) damage to downstream infrastructure, property, or receiving environments, including the coastal environment.

Setbacks

- (8) Mechanical land preparation must not occur—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) within 30 m of the coastal marine area.

75 Restricted discretionary activity: regional council

Restricted discretionary activity

- (1) Mechanical land preparation is a restricted discretionary activity if—
 - (a) it is in any area specified in regulation 73(2), and regulation 74 is not complied with; or

- (b) it is in an orange or a red zone where the land slope is 25 degrees or more, the subsoil is affected, and the area covered by the mechanical land preparation activity is more than 2 ha in any calendar year; or
- (c) the land is undefined in the erosion susceptibility classification.

Matters to which discretion is restricted

- (2) Discretion is restricted to—
 - (a) the timing, location, and duration of the activity;
 - (b) the area and the volume of the works;
 - (c) the effects on ecosystems, fresh water, and the coastal environment;
 - (d) the effects on vegetation in the riparian zone;
 - (e) the methods of stabilising soil disturbance;
 - (f) the methods of minimising erosion;
 - (g) the methods of sediment retention and run-off management;
 - (h) the information and monitoring requirements;
 - (i) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.
- (3) If the activity is a restricted discretionary activity under subclause (1)(b), discretion is restricted to—
 - (a) the matters in subclause (2); and
 - (b) the type of mechanical land preparation and method used; and
 - (c) the effects on hydrological flow.

Regulation 75(2)(i): inserted, on 3 November 2023, by regulation 40 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Subpart 8—Replanting

76 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulation 79	Territorial authority and regional council
Regulations 77(1), 78(1), and 81(1) and (2)	Territorial authority
Regulations 77(2), 78(2) and (3), 80, and 81(3) and (4)	Regional council

77 Permitted activity*Territorial authority*

- (1) Replanting is a permitted activity if regulations 78(1), 78A, and 79 are complied with.

Regional council

- (2) Replanting is a permitted activity if regulations 78(2) and (3), 78A, and 79 are complied with and the replanting is in any—
 - (a) green, yellow, or orange zone; or
 - (b) red zone where the land proposed for replanting is 2 ha or less in any calendar year.

Regulation 77(1): amended, on 3 November 2023, by regulation 41(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 77(2): amended, on 3 November 2023, by regulation 41(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

77A Permitted activity conditions: replanting management plan

- (1) A replanting management plan is required for all replanting activities.
- (2) A replanting management plan must be provided to the relevant council on written request.
- (3) A replanting management plan must include all forest planning requirements that are applicable to the replanting activity.
- (4) Amendments to the replanting management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Replanting activities must be carried out in accordance with the replanting management plan.

Regulation 77A: inserted, on 3 November 2023, by regulation 42 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

78 Permitted activity conditions: setbacks*Territorial authority*

- (1) Replanting must not occur in any area closer than the stump line to an adjacent significant natural area.

Regional council

- (2) Replanting must not occur—
 - (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or

- (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) within 30 m of the coastal marine area.
- (3) Replanting must not occur in any area closer than the stump line to an adjacent—
- (a) perennial river; or
 - (b) wetland; or
 - (c) lake; or
 - (d) coastal marine area; or
 - (e) significant natural area.

If planting closer than previous crop it is covered by afforestation rules

78A Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the location where the replanting will occur and the proposed setbacks (including a description of how they were calculated); and
 - (b) the dates on which the replanting is planned to begin and end.
- (2) Notice under subclause (1) must be given at least 20 working days and no more than 8 months before the date on which the replanting is planned to begin.

Regulation 78A: inserted, on 3 November 2023, by regulation 43 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

79 Permitted activity conditions: wilding tree risk and control

- (1) A wilding tree risk calculator score must be—
 - (a) applied to any land on which replanting with a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and
 - (c) completed no more than 8 months before replanting is carried out.
- (2) In subclause (1), **suitably competent person** means a person with—
 - (a) tertiary qualifications in silviculture and forest ecology and at least 2 years' experience in the field of silviculture; or
 - (b) at least 5 years' experience in silviculture that includes forest establishment.

- (3) Replanting with a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more.
- (4) Subclause (3) does not apply if the trees most recently harvested on the same land proposed for replanting had a wilding tree risk calculator score—
 - (a) completed in accordance with subclauses (1)(b) and (2); and
 - (b) the same as or higher than that of the species proposed to be replanted.
- (5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out:
 - (a) the score required under subclause (1) and the calculation sheet used to provide that score;
 - (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made.
- (6) All wilding conifers resulting from the previous harvest that are established in wetlands or significant natural areas must, before replanting begins, be eradicated—
 - (a) on the same property on which the replanting activity occurs; and
 - (b) on any adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.
- (7) All wilding conifers resulting from the replanting activity must be eradicated at least every 5 years after replanting where established in wetlands or significant natural areas—
 - (a) on the same property on which the replanting activity occurs; and
 - (b) on any other adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.

Regulation 79(1): replaced, on 3 January 2024, by regulation 44(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 79(3): replaced, on 3 January 2024, by regulation 44(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 79(5): replaced, on 3 January 2024, by regulation 44(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 79(5)(b): inserted, on 3 April 2024, by regulation 44(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 79(6): replaced, on 3 January 2024, by regulation 44(4) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 79(7): inserted, on 3 January 2024, by regulation 44(4) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

General: activity status, matters of control or discretion, and local authority

- (2) If vegetation clearance of non-indigenous vegetation does not comply with subclause (1), it has the activity status that applies to the associated commercial forestry activity.
- (3) The matters of control or discretion are those that apply to the associated commercial forestry activity, and consent is required from the local authority that has functions in relation to the associated commercial forestry activity.

Regulation 95(1): amended, on 3 November 2023, by regulation 48(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 95(2): amended, on 3 November 2023, by regulation 48(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 95(3): amended, on 3 November 2023, by regulation 48(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Subpart 10—General provisions

96 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 100 to 103	Territorial authority and regional council
Regulations 98 and 99	Territorial authority
Regulations 97, 104, and 105	Regional council

Discharges, disturbances, and diversions

97 Permitted activity: regional council

- (1) Any discharge of sediment into water or to land in circumstances that may result in it entering water, disturbance of the bed or vegetation in the bed of a river or lake, or diversion of water associated with a commercial forestry activity is a permitted activity if subclauses (3) and (4) are complied with and—
 - (a) pruning and thinning to waste complies with regulations 19(2) and 20:
 - (b) earthworks comply with regulations 24 to 33:
 - (c) river crossings comply with regulations 37 to 46:
 - (d) forestry quarrying complies with regulations 51(2), 52, 54(3) and (4), 55, 56, 58, and 59:
 - (e) harvesting complies with regulations 63(2) and (3), 64, and 65 to 69:

- (f) mechanical land preparation complies with regulations 73(2) and 74;
- (g) slash traps comply with regulations 83(2) and 84 to 91.
- (2) Disturbance of a wetland (including vegetation or soil disturbance) associated with a commercial forestry activity is a permitted activity if subclauses (2A) and (5) are complied with and—
 - (a) the wetland is greater than 100 m² and less than 0.25 ha; or
 - (b) the wetland is greater than 100 m² and the associated commercial forestry activity is harvesting.
- (2A) Disturbance of a wetland described in subclause (2) through use of machinery, vehicles, equipment, and construction materials may occur only if—
 - (a) machinery, vehicles, and equipment used for the activity are cleaned before entering the wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
 - (b) machinery that is used for the activity sits outside the wetland, unless it is necessary for the machinery to enter it to achieve the purpose of the activity; and
 - (c) machinery or vehicles that enter the wetland are modified or supported to prevent them from damaging the wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
 - (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, is done outside a 10 m setback from the wetland.

Permitted activity conditions: fish spawning

- (3) Disturbance of the bed or vegetation in the bed of a perennial river or lake must not occur unless subclause (4)(a) or (b) applies.
- (4) Disturbance of the bed or vegetation in the bed of a perennial river or lake may occur if—
 - (a) the electronic tool referred to in item 9 of Schedule 2 (*Fish Spawning Indicator*) indicates—
 - (i) no presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed; or
 - (ii) the presence of a fish species listed in Group A or Group B in the Fish Spawning Indicator in the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, but disturbance is not during the relevant fish spawning period; or

- (b) for the segment of the river or lake marked in the Fish Spawning Indicator where the bed or vegetation in the bed would be disturbed, a suitably competent person has—
 - (i) confirmed that the species observed do not spawn in the river or lake habitat where the disturbance will occur; or
 - (ii) in the case of a river, undertaken a freshwater fish survey in accordance with the document referred to in item 10 of Schedule 2 (*New Zealand Freshwater Fish Sampling Protocols*) and has observed no presence of any of the species listed in Group A or Group B in the Fish Spawning Indicator; or
 - (iii) in the case of a lake, undertaken a freshwater fish survey in accordance with the techniques in item 13 of Schedule 2 (*Introduction to monitoring freshwater fish*) and has observed no presence of any of the species listed in Group A or Group B of the Fish Spawning Indicator.
- (5) Disturbance of a wetland described in subclause (2) may occur only if—
 - (a) the electronic tool referred to in item 9 of Schedule 2 (*Fish Spawning Indicator*) indicates—
 - (i) no presence of a mudfish species listed in Group B in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed; or
 - (ii) the presence of a mudfish species listed in Group B in the Fish Spawning Indicator in the wetland marked in the Fish Spawning Indicator where the wetland would be disturbed, but it is not during the relevant mudfish spawning period; or
 - (b) for a wetland marked in the Fish Spawning Indicator where the disturbance would occur, a suitably competent person has—
 - (i) confirmed that the species observed do not spawn in the wetland habitat where disturbance will occur; or
 - (ii) undertaken a freshwater fish survey in accordance with the document referred to in item 14 of Schedule 2 (*A revised methodology to survey and monitor New Zealand mudfish*) and has observed no presence of a mudfish species listed in Group B in the Fish Spawning Indicator.
- (6) In this regulation,—

disturbance of the bed or vegetation in the bed of a perennial river does not include—

 - (a) vehicles crossing the wetted river bed at a rate of up to 20 axle movements per day:

- (b) hauling logs over the bed of a river less than 3 m wide where butt suspension is achieved in the segment of the river marked in the Fish Spawning Indicator, in the relevant spawning period shown in the fish spawning indicator, unless any species listed in Group B in the Fish Spawning Indicator is present;
- (c) clearing a slash trap

suitably competent person means a person who—

- (a) has at least 2 years' experience in use of the document referred to in item 10 of Schedule 2 (*New Zealand Freshwater Fish Sampling Protocols*), or in the techniques in the document referred to in item 13 of Schedule 2 (*Introduction to monitoring freshwater fish*), and has completed a specialist course in the identification of New Zealand freshwater fish; or
- (b) has more than 10 years' experience in use of the fish sampling techniques listed in the relevant document and in the identification of New Zealand freshwater fish.

General: activity status

- (7) A discharge of sediment into water or onto land in circumstances that may result in it entering water, disturbance of a bed or vegetation in the bed of a river or lake, or diversion of water, associated with a commercial forestry activity that does not comply with subclause (1)(a) to (g), has the same activity status that applies if the conditions of the associated commercial forestry activity are not complied with.
- (8) Disturbance of the bed or vegetation in the bed of a perennial river or lake associated with a commercial forestry activity is a discretionary activity if it does not comply with subclauses (3) and (4).
- (9) Disturbance of a wetland associated with a commercial forestry activity and described in subclause (2) is a discretionary activity if it does not comply with subclause (5).

Regulation 97(1): amended, on 3 November 2023, by regulation 49(1) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 97(2): amended, on 3 November 2023, by regulation 49(2) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 97(2)(b): amended, on 3 November 2023, by regulation 49(3) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 97(2A): inserted, on 3 November 2023, by regulation 49(4) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Regulation 97(6) **disturbance of the bed or vegetation in the bed of a perennial river** paragraph (a): amended, on 3 November 2023, by regulation 49(5) of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Schedule 3**Afforestation and replanting plan specifications**

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Schedule 3: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or other manager relevant to the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

Schedule 3 clause 1: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and

- (iv) any outstanding freshwater body or water body subject to a water conservation order; and
- (v) any setbacks from any identified water body or the coastal marine area:
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) the afforestation area boundary and the areas in which afforestation and replanting is occurring:
- (k) the forest species to be afforested or replanted:
- (l) the year or season where planting is expected to occur (if afforestation is occurring):
- (m) the segmentation boundaries within afforestation or replanting areas required by the wilding tree risk guidelines to calculate a wilding tree risk calculator score:
- (n) spatial information associated with the activity described under clause 3.

Schedule 3 clause 2: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

3 Activity

The plan must state the commercial forestry activity being undertaken, and include—

- (a) where the activity is taking place; and
- (b) when the activity will begin and end; and
- (c) how the activity is to be undertaken.

Schedule 3 clause 3: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

4 Management requirements*Significant natural areas*

- (1) The plan must describe—
- (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must,—
- (a) for sites with a water body, identify the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (i) public roads and other infrastructure;
 - (ii) properties, including dwellings;
 - (iii) rivers, lakes, estuaries, and the sea;
 - (iv) drinking water supplies; and
 - (b) include the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) maintenance, post-event monitoring, and remedial works in relation to those measures.

Erosion and sedimentation

- (3) The plan must include a description of—
- (a) the erosion and sedimentation effects of afforestation and replanting, including those effects that arise over the lifecycle of the forest or until a subsequent forest planning requirement is triggered; and
 - (b) the measures to be used to—
 - (i) monitor the erosion and sedimentation effects of afforestation and replanting; and
 - (ii) maintain records relating to erosion and sedimentation.

Wilding trees

- (4) The plan must include—
- (a) the wilding tree risk calculator score and the calculation sheet used to provide that score; and
 - (b) the assessments required by regulation 11(4)(b); and

- (c) a description of—
 - (i) any adjacent properties under the same ownership; and
 - (ii) the schedule for undertaking wilding conifer inspections; and
 - (iii) how wilding conifer removals will be undertaken.

Schedule 3 clause 4: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 3 clause 5: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

6 Management practices for maintenance and monitoring

[Revoked]

Schedule 3 clause 6: revoked, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

Schedule 4

Forestry earthworks management plan

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Schedule 4: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

Schedule 4 clause 1: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and

- (iv) any outstanding freshwater body or water body subject to a water conservation order; and
- (v) any setbacks from any identified water body or the coastal marine area:
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) spatial information associated with the activity described in clause 3.

Schedule 4 clause 2: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the scope of work covered by the earthworks (including estimated earthworks cut and fill volumes, by ESC zone if there is more than 1); and
- (f) whether the earthworks are for maintenance, upgrade, road widening, realignment, or new work; and
- (g) the anticipated construction time for forestry earthworks and stabilisation; and
- (h) the design rainfall event size and duration that has been used to design the sediment control measures referred to in clause 4 and the heavy rainfall contingency and response measures referred to in clause 6.

Schedule 4 clause 3: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

4 Management requirements

Significant natural areas

- (1) The plan must describe—
 - (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (a) public roads and other infrastructure;
 - (b) properties, including dwellings;
 - (c) rivers, lakes, estuaries, and the sea;
 - (d) drinking water supplies.

Erosion and sedimentation

- (3) The plan must include—
 - (a) a description of the management practices that will be used to avoid, remedy, or mitigate risks due to forestry earthworks that have been identified on the map, including, in sufficient detail to enable site audit of the management practices to be carried out,—
 - (i) the proposed erosion and sediment control measures to be used; and
 - (ii) the situations in which they will be used; and
 - (b) the following minimum erosion and sediment control measures:
 - (i) water run-off control measures;
 - (ii) sediment control measures during construction and during harvest;
 - (iii) the method to be used to manage excess fill for large-scale cut and fill operations and, if the method is end-haul, the proposed disposal location;
 - (iv) methods to be used to stabilise batters, side cast, and cut and fill.

Indigenous birds

- (4) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

- (5) The plan must include,—
- (a) with reference to the map, a description and the location of any relevant species identified—
 - (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and
 - (b) confirmation of areas where and periods when disturbance is not permitted; and
 - (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.

Other indigenous species of fauna

- (6) The plan must include procedures to—
- (a) identify any threatened or at-risk species of indigenous fauna present within the forestry earthworks activity areas; and
 - (b) mitigate adverse effects on those species from the forestry earthworks activity.

Schedule 4 clause 4: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 4 clause 5: replaced, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes;
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works:

Schedule 6

Harvest plan

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Schedule 6: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

Schedule 6 clause 1: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and

- (iv) any outstanding freshwater body or water body subject to a water conservation order; and
- (v) any setbacks from any identified water body or the coastal marine area:
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) spatial information associated with the activity described under clause 3.

Schedule 6 clause 2: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the harvesting method, whether ground-based or hauler, or any other method, and the hauler system type; and
- (f) the planned timing, duration, intensity, and any proposed staging of the harvest.

Schedule 6 clause 3: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

4 Management requirements

Significant natural areas

- (1) The plan must describe—

- (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
- (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (a) public roads and other infrastructure;
 - (b) properties, including dwellings;
 - (c) rivers, lakes, estuaries, and the sea;
 - (d) drinking water supplies.

Erosion and sedimentation

- (3) The plan must include a description of the management practices that will be used to avoid, remedy, or mitigate erosion and sedimentation risks due to commercial forest harvesting. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The description must include, in sufficient detail to enable site audit of the management practices to be carried out,—
 - (a) the proposed erosion and sediment control measures to be used; and
 - (b) the situations in which they will be used.

Slash

- (4) The plan must describe the management practices that will be used to avoid, remedy, or mitigate risks relating to slash. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The management practices must include procedures for—
 - (a) avoiding instability of slash and the ground under slash piles at landings;
 - (b) keeping slash away from high-risk areas (no-slash zones);
 - (c) managing slash in the vicinity of waterways, including identifying any areas where it would be unsafe or impracticable to retrieve slash from water bodies;
 - (d) ensuring that slash is not mobilised in heavy rain events (5% AEP or greater) and contingency measures for such movement, including requirements for slash removal from streams and use of slash traps.

Indigenous birds

- (5) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

- (6) The plan must include,—
- (a) with reference to the map, a description and the location of any relevant species identified—
 - (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and
 - (b) confirmation of areas where and periods when disturbance is not permitted; and
 - (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.

Other indigenous species of fauna

- (7) The plan must include procedures to—
- (a) identify any threatened or at-risk species of indigenous fauna present within the harvesting activity areas; and
 - (b) mitigate adverse effects on those species from the harvesting activity.

Schedule 6 clause 4: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 6 clause 5: inserted, on 3 November 2023, by regulation 61 of the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (SL 2023/277).

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes;
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works;
- (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Attachment 2: Extracts from Brown and Pemberton, 2010
Relevant sections highlighted in yellow
(note blue highlighting in Annexes is from the original B&P report)



BROWN & PEMBERTON
P L A N N I N G G R O U P

Review of 12 regional council
and 4 unitary authority RMA plan
provisions relating to plantation forestry

Prepared by:

Cindy Weir _____

Resource Management Consultant

Approved for Issue by:

Blair Devlin _____

Senior Resource Management Consultant

Status:

FINAL DRAFT

Date:

5 March 2010

person or community wishes to use resources to enable well being, for example the development of plantation forestry, they can only do so if the potential of that resource is sustained, its life-supporting capacity is safeguarded, and adverse effects on the environment are avoided, remedied or mitigated.

1.4.1 Activity status

Section 77B of the RMA identifies the following activity six classes for resource consent applications. It is useful to make reference to these six activity classes when considering the results in section 2.0:

- *Permitted* – activities that can be undertaken as of right.
- *Controlled* – an activity that requires Council's permission, however Council cannot decline permission but retains control over specified matters.
- *Restricted Discretionary* – an activity that requires Council permission and that Council can decline, but only as assessed under the specified matters listed within the Regional Plan.
- *Discretionary* – an activity that requires the Council's permission, and that the Council can decline, with unlimited discretion on all matters.
- *Non-Complying* – an activity that requires Council permission, that Council can decline. A non-complying activity is generally not anticipated within the relevant zone. Such applications are subject to the two limb test of section 104(D) of the Resource Management Act, in that for a council to grant consent, the adverse effects are no more than minor or the activity will not be contrary to the objectives and policies of the relevant plan.
- *Prohibited* – activities that are not permitted and cannot be applied for under any circumstances.

2. RESULTS

2.1 Results: Earthworks (including erosion and sedimentation controls)

Annex "B" lists the identified rules for each regional planning document relating to earthworks for plantation forestry activities. Earthworks are commonly referred to within the regional plans as either 'earthworks', 'soil' or 'land disturbance' activities.

Nearly all of the regional plans (14 out of 16) had provisions controlling earthworks associated with plantation forestry activities. Only the Otago and Southland Regional Councils do not have any rules relating to this matter.

Of the regional plans that did provide rules, the majority provided for earthworks as a permitted activity subject to conditions. Permitted activity conditions often include specifying:

- a maximum permitted area (m² or hectares);
- a maximum permitted volume (m³);
- a maximum cut height (e.g. 3m);
- a proximity to waterways (e.g. 5m) whereupon the activity status may change; and
- conditions relating to the erosion and sediment control.

The most common of these permitted activity conditions observed are discussed in further detail below.

2.1.1 Maximum area and volume of soil disturbance

Eleven of the regional plans provided permitted activity conditions relating to earthworks for forestry activities that specified maximum area and/or volumes of soil disturbance that can be undertaken. The regional plans provided a degree of variance in the permitted areas and volumes and there were also variances between 'general rural' areas, erosion areas, and riparian or coastal management areas.

Six regional plans provided for area and/or volume controls for general rural areas. The maximum area controls ranged from 500m² – 10,000m² and the common maximum volume control was 5,000m³.

Several regional plans restricted the maximum area that earthworks could be undertaken by the slope of the land. The Auckland and Environment Bay of Plenty regional plans provided for earthworks as permitted activities where the area of earthworks is less than 1 hectare, and where the land has a slope of less than 15°.

Nine regional plans provided for area and/or volume controls for erosion areas. The maximum area controls ranged from 100m² – 10,000m² and the maximum volume controls ranged from 10m³ – 1,000m³. The most common rule applied to the maximum volume of earthworks in erosion or areas is 1,000m³.

Seven regional plans provided for area and volume controls for riparian areas. The maximum area controls ranged from 200m² – 2,500m² and the maximum volume controls ranged from 25m³ – 250m³.

Overall, there were variances within the maximum areas and volumes of earthworks that can be undertaken as permitted activities. Of the three areas identified above, the maximum volumes and areas of earthworks permitted were generally less restrictive in the general areas, more restrictive in erosion areas and most restrictive within riparian areas. These observations reflect those within the 2007 MfE report entitled 'Review of Regional Plan Rules on Land Disturbance Activities', suggesting little if any movement in regional rules relating to earthworks since 2007.

2.1.2 Sedimentation controls

Regional plans generally provided for several permitted activity conditions relating to erosion and sediment controls, regardless of whether the regional plan identified maximum area or volume controls for earthworks associated with plantation forestry. A number of approaches to the actual writing of the rules were apparent, with the following general categories observed:

- a) *Rules that require the revegetation or stabilisation of the area of earthworks:* Twelve of the regional councils require that the sites affected by land disturbance should be stabilised or revegetated after the land disturbance has ceased. There is variance in the length of time in which land is to be stabilised (after the completion of earthworks) and if the stabilisation must involve replanting to satisfy the rule. For the most part, the plans state that the land must be stabilised as soon as practicable. Several plans state that the level of ground cover should be 75-80% within 12-24 months. The Northland regional plan states that revegetation should occur in the spring or autumn immediately following the earthworks being undertaken. The Horizons regional plan specifies that revegetation / stabilisation rules do not apply to firebreaks, tracks, roads or forestry landings;
- b) *Rules relating to the formation of trenches:* Several regional plans require that trenches must be backfilled within 2-3 days of the trench being unused. The Environment Canterbury regional plan only requires this within riparian areas;
- c) *Rules relating to cut-offs and culverts:* Several regional plans require that cut-offs and culverts be designed and installed to avoid erosion effects. The West Coast regional plan states "Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion";

- d) *Rules relating to soil:* A number of the regional plans had rules relating to soil. The Hawkes Bay regional plan requires that the deposition of soil across a property boundary should not exceed 10 kg/m² or be objectionable, offensive or cause property damage. The Taranaki regional plan requires that earthworks associated with vegetation disturbance should not exceed 10% of the area of vegetation being disturbed to the extent that the mineral subsoil is exposed;
- e) *Rules relating to the effect of sediment discharge on water:* Several plans require that after reasonable mixing, sediment from land disturbance activities should not give rise to a conspicuous change in colour or clarity of water within rivers, wetlands, lakes or coastal waters. The Northland and West Coast regional plans require that the visual clarity should not be reduced by more than 40% (the Northland regional plan differentiates between clarity of rivers or wetlands to which the 40% applies and the short-term clarity of lakes or coastal waters, to which 20% applies. The West Coast regional plan also refers to the black disc method). The Marlborough regional plan requires that the concentration of suspended sediment shall not be more than 20% as measured by the black disc method. Several plans also require that water should be suitable for consumption by animals and any sediment discharged should not form scum, foam or floatable suspended materials;
- f) *Rules relating to Roding and tracking:* Several regional plans have maximum area or volume controls associated with roading and tracking activities or specify design rules. The Northland regional plan requires that the design shall be adequately maintained at all times or revegetated, to avoid or minimise erosion and sediment discharges to any adjacent water bodies. The West Coast regional plan provides the following design standards: *"the 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 erosion, and any culverts or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion"*;
- g) *Rules relating to batters or side castings:* In general, the regional plans require that batters and side castings are to be stabilised to avoid erosion. The Northland regional plan provides stabilisation methods such as: compacting, seeding and/or drainage. Several regional plans restrict batters, side castings or excavation of a particular height or depth. The Marlborough regional plan restricts the gradient of any side cut excavation to a maximum average of 9.5° which must not exceed 11.3° along any length of more than 20 metres. The Environment Waikato regional plan restricts the cut slope batter to 3 metres in height over a cumulative distance of 30-120 metres within high risk erosion areas.
- h) *Rules relating to stormwater/runoff control:* Several regional plans such as the Northland regional plan require that earthworks should incorporate runoff controls to prevent erosion, scour and sediment discharge off-site. The conditions for permitted activities within the Auckland regional plan state that:

Any measures used to control the path of any runoff from surrounding land shall:

- (i) *Be capable of containing the flow from the critical 20 year return period rainfall event;*
- (ii) *Be constructed on a grade to avoid erosion of the runoff control measures where for bare unlined surfaces this grade shall be no greater than 1%;*
- (iii) *Have an erosion-proof outfall.*

Overall, there are variances in the type of permitted activity conditions required by the regional plans for undertaking earthworks associated with plantation forestry activities. The most common conditions observed within the regional plans require that earthwork activities should minimise erosion and sediment discharge, shall undertake sediment control measures, and shall revegetate or stabilise areas once earthwork activities have ceased.

2.2 Results: Setbacks (waterways including wetlands and coastal margins/ boundaries/ roads/ dwellings/ utilities)

Annex “C” lists the relevant rules for each regional planning document relating to setbacks.

The majority of the regional plans (11 out of 16) had provisions that required plantation forestry activities to be setback from at least one of the following: waterways, coastal margins, boundaries, roads, dwellings or utilities. Only the Auckland, Taranaki, Greater Wellington, Otago and Southland regional plans were silent on provisions relating to setbacks.

Nine of these eleven regional plans provided for the particular forestry activities as permitted subject to conditions relating to setback distances. The most common permitted conditions included the following:

- Requiring a setback of 2 to 50 metres from water bodies or coastal marine areas for replanting of planted production forests and soil cultivation;
- Requiring a setback from carriageways. These included both restricting vegetation that could shade carriageways between the hours of 10am and 2pm on the shortest day of the year) and requiring minimum setback distances from the centreline of the carriageway of a public road;
- Requiring setbacks from adjacent properties of 10 metres;
- Requiring setbacks from residential zone boundaries of 50 metres;
- Requiring setbacks from existing dwellings of 30 metres;
- Requiring setbacks from farm buildings of 15 metres;

Generally, the regional plans with the greatest number of permitted conditions (i.e. more than one of the aforementioned setback conditions) were the unitary plans. It was more common for the regional plans to require setbacks from water bodies but not as common for these plans to require setbacks from zone or site boundaries, dwellings or carriageways.

The varying setback distances from water bodies/coastal marine areas reflects that regional plans generally provide for wider setback distances where land adjacent to a water body has a steep slope or the water body is of a larger size. For example, the setback distances from lakes are usually wider than from rivers or streams.

Several of the regional plans, such as the Environment Waikato regional plan, provided separate 'permitted activity' conditions for different forestry activities such as planting of forests and soil cultivation. A less restrictive setback of 2 metres was required for soil cultivation works from the bed of the river whilst a setback of between 5 – 10 metres was required for replanting for different water bodies.

In addition, several of the regional plans provided setback controls for only certain aspects of forestry activities i.e. forest harvesting, or earthworks associated with forestry activities, but not plantation forestry activity as a whole (including soil cultivation, planting and harvesting).

One of the plans, the Hawke's Bay regional plan identified setback provisions from water bodies, but provided exemptions for vegetation clearance or soil disturbance activities associated with the clearance of plantation forests that were established prior to the date of the plan becoming operative.

Other circumstances where setbacks were required related to identified erosion areas. The Environment Waikato regional plan requires consent for a controlled activity for certain roading and tracking activities, soil disturbance and vegetation clearance within identified high risk erosion zones.

2.3 Results: Vegetation clearance/harvesting

Annex "D" lists the relevant rules for each regional planning document relating to harvesting and vegetation clearance. Results in this section do not cover the following matters which are either covered separately in this report or were not applicable:

- Earthworks associated with vegetation clearance / harvesting. This has been covered in section 2.1 above;
- Slash management / deposition to waterways associated with vegetation clearance / harvesting. This is covered in section 2.5 below;
- Riparian disturbance as part of vegetation clearance / harvesting. This is covered in section 2.6 below;
- Stream crossings as part of vegetation clearance / harvesting. This is covered in section 2.7 below; and
- Indigenous vegetation disturbance as part of vegetation clearance / harvesting. This is covered in section 2.8 below.
- Vegetation clearance by burning, because this is not applicable to plantation forestry.

Annex "D" illustrates that 14 out of 16 councils had specific rules on vegetation clearance / harvesting, and the two that did not have specific rules (Otago and Southland), would likely capture it under their general discharge of contaminants rule. There is a wide range of controls on vegetation clearance / harvesting, focused on three main areas:

1. Vegetation clearance /harvesting in riparian areas;
2. Vegetation clearance /harvesting in erosion prone areas; and
3. Vegetation clearance /harvesting in other 'general' areas.

In all of the 14 councils that did have specific rules about vegetation clearance / harvesting, the activity status was permitted subject to conditions in non-special areas, i.e. outside of erosion and riparian areas, specific catchments or estuaries. If conditions could not be complied with, the activity status would generally become discretionary or controlled, with discretion or control relating to the management of sediment.

As a general principle, the rules for vegetation clearance / harvesting are more stringent in the riparian and erosion areas, or other special environments e.g. karst landscapes, where these are identified by the relevant authority. In most instances there was still a permitted activity rule for vegetation clearance in these areas, however smaller areas were provided for and rules related to protecting waterways or land from erosion. Some councils opted for a controlled or restricted discretionary status for vegetation clearance / harvesting in special areas. An example of this is the Gisborne District Council which provides for plantation forest clearance as a restricted discretionary activity where it occurs on land steeper than 35° or with topsoil less than 50mm over 25% or more of the area.

Outside of riparian and erosion areas, results indicated that vegetation clearance was generally permitted subject to conditions. This finding also accords with the 2007 MfE report titled 'Review of Regional Plan Rules on Land Disturbance Activities'. Outside of special areas, Horizons Regional council had a controlled activity status for harvesting of production forestry. However an exclusion was made for forestry production activity accredited by the Forestry Stewardship Council, which would make it a permitted activity (refer section 2.11): (underlining added)

12-2 Production forestry

Vegetation clearance or land disturbance pursuant to s 9 RMA for the purposes of harvesting production forestry or developing land for production forestry planting, in the following circumstances:

- (a) *in the case of land adjoining rivers, lakes and natural wetlands:*
 - (ii) *for areas where the land slope is between 0° and 15°, within 10 m of the bed of a river, lake or wetland*

- (iii) for areas where the land slope is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m, whichever is the lesser

(b) in the case of hillcountry highly erodible land, the affected area is more than 1 ha/y per property.

(c) in the case of coastal highly erodible land, the affected area is more than 100 m²/y per property.

This rule does not apply to production forestry activities that are:

(d) accredited by the Forestry Stewardship Council programme (these are a permitted activity under Rule 12-1)

(e) on land mapped as hillcountry highly erodible land in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (these are a permitted activity under Rule 12-1) (f) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (these are a permitted activity under Rule 12-1).

Is a **controlled activity subject to the following:**

(a) The activity shall not take place in any rare or threatened habitat or at-risk habitat.

(b) The activity shall not take place on a coastal foredune as regulated by Rule 12-5.

(c) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

(d) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.

The above rule is from Chapter 12 of the Proposed Horizons One Plan. A provisional determination has been released that affects the above rule. Specifically, the provisional determination removes the controlled activity status of forestry activities and also removes the reference to forestry activities being permitted that are accredited by the Forestry Stewardship Council. As such, under the provisional determination all forestry activities are permitted activities (subject to conditions being met).

As noted in the 2007 MfE report titled 'Review of Regional Plan Rules on Land Disturbance Activities', the Greater Wellington, Taranaki Regional Council, Environment Canterbury and West Coast Regional Councils only had rules relating to vegetation clearance within special environments, effectively permitting the activity in other areas.

2.4 Results: Afforestation/replanting

Annex "E" lists the relevant rules for each regional planning document relating to replanting of forestry / afforestation. Annex "E" indicates the majority of regional planning documents (13/16) did contain controls relating to afforestation / replanting. The three councils that did not specify rules relating to revegetation were Environment Bay of Plenty, Greater Wellington and the Otago Regional Councils.

Rules related to the following matters:

- replanting following vegetation clearance / harvesting in order to prevent erosion and instability;
- the planting of forestry in river beds or flood spillway areas;
- the replanting of forestry in proximity to waterways; and
- setbacks from roads, dwellings boundaries (unitary authorities only).

Horizons and the Hawkes Bay Regional Councils both require that land be revegetated to protect it from erosion as soon as practicable and no later than 18 months from the date of vegetation clearance or soil disturbance. Northland Regional Council allowed 24 months for revegetation, but specified an 80% revegetation coverage requirement. Marlborough also allowed 24 months (or 12 months within a riparian zone), but required that the amount of bare ground following revegetation be no more than 20% greater than prior to vegetation clearance taking place. The Taranaki regional Council simply required revegetation as soon as practicable after the completion of the activity.

The majority of plans contained rules to avoid afforestation directly in stream beds, river banks (except for erosion prevention purposes) or in locations that could create flooding or increased erosion. Resource consent would generally be required for a discretionary activity in such situations. Environment Canterbury was unique in that it also had rules relating to the replanting of existing plantation forestry in flow sensitive catchments. The rule effectively caps the existing amount of plantation forestry, as the rule does not allow for the area of plantation forestry to be increased.

The example below (underlining added) is from Environment Waikato, which takes the opportunity at the time of replanting to impose setbacks from waterways (which may not be in place with the plantation that has just been harvested) and to require the removal of wilding pines in some circumstances.

5.1.4.11 - Permitted Activity Rule - Soil Disturbance, Rooding and Tracking and Vegetation Clearance

1. *Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, rooding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;*
2. *Any rooding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;*
3. *Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;*

are **permitted activities** subject to the conditions in Section 5.1.5. In addition 5.1.4.11(3) is subject to the following conditions:

- a. Provided that replanting of planted production forest does not occur within:
 - i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and
 - ii. ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares
 - iii. five metres on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope;
- b. On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective.

2.5 Results: Slash management-floodway's /direct deposits to waterways

Annex "F" lists the relevant rules for each regional planning document relating to slash management and deposition of slash into waterways. Often rules relating to slash were part of larger rules managing soil or harvesting / vegetation disturbance activities.

Almost all councils (14 out of 16) had specific rules relating to the deposit of slash or debris from forestry harvesting to waterways.

Of the fourteen councils that did provide rules, the majority provided for the discharge of slash / debris as a permitted activity subject to conditions. The two Councils that did not specifically mention slash / debris from forestry harvesting were Otago and Southland. These councils may well capture the discharge of slash debris under their general discharges rule, however this was dependent on whether the slash / debris would fall within the relevant plan definition of a contaminant.

A number of approaches to the actual writing of the rules were observed, with the following general categories observed:

1. Rules that require no slash or debris to enter waterways, e.g. Northland (underlining added)

32.1 GENERAL ENVIRONMENTAL STANDARDS

1. The short-term visual clarity of any permanently flowing river or wetland shall not be reduced by more than 40%, after reasonable mixing, due to sediment or sediment laden discharge originating from the site of the land disturbance activity.

2. The short-term visual clarity of any lake or coastal waters shall not be reduced by more than 20%, after reasonable mixing, due to sediment or sediment laden discharge originating from the site of the land disturbance activity. Note: See Appendix 1 for explanation on the measurement of visual clarity.

3. No vegetation, slash, soil, earth, rock, or any other debris shall be allowed to enter or shall be placed in a position where it could readily enter, or be carried into, a river, lake or wetland, that may result in:

- Diversion or damming; and/or
- Bed or bank erosion; and/or
- Adverse effects on ecosystems that are more than minor.

4. No vegetation, slash, soil, earth, rock or any other debris shall be allowed to enter or shall be placed in a position where it could enter and have more than minor adverse effects within the Coastal Marine Area.

2. Rules that require the 'best practical option' to be undertaken to prevent material entering flowing water bodies e.g. Nelson (underlining added).

FWR.9.1

a).....

b).....

c) Deposition of forestry slash is a permitted activity if best practicable option is taken to avoid slash entering a river, and any slash deposited in the bed of a river does not:

- cause flooding or blockages of any downstream structure, or
- adversely affect water quality, or
- adversely affect aquatic habitats

3. Rules that require the containment / management of slash / debris to prevent smaller material entering flowing water bodies and specify a maximum size limit for the larger material e.g. Greater Wellington (underlining added).

5.3 Rules for Vegetation Disturbance

Rule 3 Vegetation disturbance on erosion prone land

Vegetation disturbance, excluding vegetation disturbance undertaken in accordance with conditions on a subdivision consent, of a continuous area of more than one hectare on erosion prone land is a Permitted Activity provided the following conditions are met:

Conditions

(1) The Wellington Regional Council's Regional Soil Conservator is notified in writing at least 21 days prior to the vegetation disturbance being undertaken. Notification is to include details of the site location and timing of the vegetation disturbance operation.

(2) The area of vegetation disturbance will be re-established in woody vegetation within 18 months from the start of the vegetation disturbance operation.

(3) Where ground-based methods are used, best management practices as described in the New Zealand Forest Code of Practice (LIRO 1990, revised 1993) are adopted.

(4) No vegetation or slash with a diameter of greater than 100 mm shall be allowed to remain in any watercourse and when removed, shall be placed in a position where that material cannot enter any watercourse.

With regard to Councils that specified a maximum size for slash, Table 1 below summarises the size rules. These results generally accord with the 2007 MfE report titled 'Review of Regional Plan Rules on Land Disturbance Activities', although an additional entry for Horizons is noted.

Table 1: Controls on the Size of Slash Permitted to Enter Waterways

Council	Maximum diameter of slash permitted	Maximum length of slash permitted
Horizons Regional Council	100mm	2m
Environment Canterbury	75mm	2m
Greater Wellington	100mm	Not stated
Gisborne District Council	100mm	Not stated
Marlborough District	100mm	Not stated

2.6 Results: Riparian disturbance

Annex "G" lists the relevant rules for each regional planning document relating to riparian disturbance.

The majority of the regional plans (12 out of 16) have provisions relating to riparian disturbance. Of the regional plans that did not contain any specific rules on plantation forestry activities in riparian areas, several of these contain provisions that would restrict forestry activities on the bed of any lake or river. The plans that provide for provisions to riparian disturbance may also have controls for forestry activities on the bed of any lake or river.

2.6.1 Vegetation Clearance

Of the twelve regional plans that have provisions for riparian disturbance, ten of these plans have controls that relate particularly to the clearance of vegetation within riparian areas. Of these ten regional plans, the majority provide for such vegetation clearance as a permitted activity, subject to conditions.

At least five of these ten regional plans that have provisions for the clearance of vegetation within riparian areas, identify that the permitted activity conditions generally only apply to plantation forestry established after the date of notification of the relevant regional plan. The harvesting or vegetation clearance of plantation forests that were established prior to the plans being made operative is a permitted activity.

One of the most common permitted activity conditions is to require vegetation clearance (and planting) to be setback from water bodies, commonly by a distance of 5 metres.

Other common permitted activity conditions include the following:

- Vegetation where possible should be felled away from water bodies;
- Efforts should be made to minimise the disturbance of riparian edge vegetation that is not being removed;
- Felled vegetation should not be dragged through a flowing water body;
- Maximum areas of vegetation to be removed (up to 5 hectares);
- Vegetation or debris resulting from vegetation clearance should be removed from permanently flowing streams where it will divert or dam the watercourse; and

Five regional councils included rules relating to the refuelling of machinery and / or the storage of fuels in proximity to waterways. This finding accords with the results of the 2007 MfE report titled 'Review of Regional Plan Rules on Land Disturbance Activities' which identified Northland, Environment Waikato, Environment Bay of Plenty and the West Coast Regional Councils. Nelson City Council also has rules relating to storage of fuels / refuelling.

2.10.5 Discharge of bark

Gisborne District Council was unique in that it had the following permitted activity rule in its regional Plan: Discharges, relating to the discharge of bark to land, placing it in the same category as animal manures (underlining added):

Rule 3.5.5 Bark and Agricultural Manures

Discharge of bark or solid animal manures including poultry manure to land shall be a permitted activity, provided the following conditions are met:

- (a) The discharge shall not result in any offensive or objectionable, particulate, liquids, mists or odour at or beyond the boundary of the site.
- (b) The discharge shall not result in the application of more than 200 kg/ha of nitrogen per annum to the land.
- (c) The discharge shall occur no less than 50 metres from any river, wetland, surface water body, drain or channel, from any bore used for drinking water supply, or from the coastal marine area.
- (d) The base of the disposal area shall be no less than 1 metre above the highest level of the water table.

The principal reason for adopting this rule is to allow for mulching or fertilising with organic materials on land to take place without the need for resource consents where there is minimal environmental impact.

3. CONCLUSION

This research has examined the controls specified in regional planning documents from 16 councils covering almost all of New Zealand. The report and accompanying annexes summarise a large amount of information regarding the regulation of plantation forestry by regional planning authorities.

The purpose of the research is to assist the Ministry with the scoping the potential for a National Environmental Standard (NES) to address variability of plantation forest provisions in regional council plans. The report has shown that there is a very wide range of controls on plantation forestry depending on the council and the type of environment it is located within.

At one extreme are the Otago and Southland Regional Councils, which do not have 'land' plans as such, and essentially no specific rules relating to plantation forestry. At the other end of the spectrum are Councils such as Horizons and Environment Bay of Plenty who have specifically addressed environmental effects arising from plantation forestry through sophisticated rules managing planting and harvesting, including making provision for accredited operators.

The key findings are that:

- Earthworks – nearly all of the regional councils (14 out of 16) had provisions controlling earthworks associated with commercial forestry activities. The majority provided for earthworks as a permitted activity subject to conditions, relating to maximum area/ volume/ cut height/ proximity to waterways and revegetation / erosion control;
- Setbacks – the majority of the regional councils (11 out of 16) had provisions that required plantation forestry activities to be setback from at least one of either waterways, coastal margins, boundaries, roads, dwellings or utilities. There was considerable variability in the size of setbacks between councils.

- Vegetation clearance / harvesting – the majority of the regional councils (14 out of 16) councils had specific rules on vegetation clearance / harvesting. In most instances, harvesting of plantation forestry was permitted subject to conditions, with rules being more stringent in the riparian and erosion areas, or other special environments where these are identified by the relevant authority.
- Afforestation / replanting – the majority of regional councils (13 out of 16) did contain controls relating to afforestation / replanting. Rules often required replanting to be undertaken by a certain date, or to cover a certain area.
- Slash and debris management – almost all regional councils (14 out of 16) had specific rules relating to the deposit of slash or debris from forestry harvesting to waterways. The rules were generally quite consistent, with a small number of councils specifying diameter and length limits for slash.
- Riparian disturbance – the majority of the regional councils (12 out of 16) have provisions relating to riparian disturbance.
- Stream crossings – all regional councils (all 16) had provisions for stream crossings and all of the plans provided for the construction of culverts, fords and bridges as permitted activities subject to conditions. There was variability in terms of the permitted size of culvert, ford and bridge.
- Indigenous vegetation disturbance – the majority of the regional councils (12 out of 16) did not make specific reference to indigenous vegetation disturbance, rather they refer to vegetation disturbance / clearance more generally. The four plans that do contain such provisions are all unitary authority plans. Clearance of understory indigenous vegetation was provided for.
- Mechanical land cultivation – half of the councils (8 out of 16) made specific reference to mechanical land cultivation. This result reflects that regional plans may not have specifically referred to mechanised means of land disturbance, referring rather to performance measures as a result of the land cultivation, e.g. sedimentation, rather than the method.

References:

Ministry for the Environment (2007) 'Review of Regional Plan Rules on Land Disturbance Activities – Rules that Affect Forestry', unpublished draft.

Zuur, B. (2006) 'Policies and legislation affecting productive land use change in New Zealand', Incomplete draft

Johnson McSweeney Ltd (2007) 'Review of forestry and rural zone earthwork provisions in district plans', unpublished draft.

Extract from Annex B – Earthworks (including erosion and sedimentation controls)

		increases the risk of soil loss the land shall be: i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or ii. retained in a manner which inhibits soil loss.
	8	Restricted Discretionary: Vegetation clearance or soil Disturbance activities which do not meet the conditions in Rule 7.

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region

Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region

Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region

Status: Operative: 9 October 2000

Activity	Rule	Summary
		Regional Freshwater Plan for the Wellington Region
Discharges of water and minor contaminants	Rule 1	<p>The discharge of contaminants, or water, into surface water, other than the discharge of stormwater, is a Permitted Activity provided the discharge complies with the conditions specified below.</p> <p>Conditions</p> <p>(1) the discharge is not to any wetland, lake or river being managed in its natural state (Appendix 2, part A); and</p> <p>(2) the discharge shall not contain any contaminants other than contaminants at concentrations specified in conditions (3) to (7) below; and</p> <p>(3) concentrations of free or combined residual chlorine in the discharge shall be no more than 0.5 g/m³; and</p> <p>(4) concentrations of suspended solids in the discharge shall be no more than 50 g/m³; and</p> <p>(5) concentrations of acid-soluble aluminium in the discharge shall be no more than 0.15g/m³; and</p> <p>(6) concentrations of fluoride in the discharge shall be no more than 1.5 g/m³; and</p> <p>(7) the discharge temperature shall not differ from the ambient temperature of the receiving water by more than 5 degrees Celsius; and</p> <p>(8) the discharge does not cause erosion at the point of discharge; and</p> <p>(9) the discharge does not alter the natural course of the river or stream.</p> <p>Discretionary Activities</p> <p>Rule 5 All remaining discharges to fresh water</p> <p>The discharge of any contaminant or water into fresh water:</p> <ul style="list-style-type: none"> • that is not provided for in Rules 1, 2, 3, and 4; and • which cannot meet the requirements of Rules 1, 2, 3, and 4; and • which is not a non-complying activity in Rule 6; <p>is a Discretionary Activity.</p>
		Regional Soil Plan for the Wellington region
		Rule 1 Rooding and Tracking

		<p>Any roading or tracking activity that is:</p> <p>(1) located in Area 1 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 1.5 metres measured vertically; or</p> <p>(2) located in Area 2 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 2 metres measured vertically;</p> <p>excluding any roading or tracking activity that is undertaken in accordance with conditions on a subdivision consent</p> <p>is a Restricted Discretionary Activity.</p>
		<p>Rule 2 Soil disturbance on erosion prone land</p> <p>Any soil disturbance on erosion prone land that:</p> <p>(1) involves the disturbance of greater than or equal to 1,000 m³ of soil, within any 10,000 m² area (calculated using a minimum width of 10 m) and within any continuous 12 month period; or</p> <p>(2) involves root raking over an area greater than 10,000 m² in any continuous 12 month period; excluding any soil disturbance;</p> <p>(a) associated with roading and tracking activities, or</p> <p>(b) undertaken in accordance with conditions on a subdivision consent;</p> <p>is a Restricted Discretionary Activity.</p>

West Coast Regional Council

West Coast Discharges to Land

Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan

Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan

Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
		Regional Plan Discharges to Land
DISCHARGE OF STORMWATER	RULE 5	<p>The discharge of stormwater into or onto land collected from any roof, yard, paved surface, (excluding roads and footpaths), grassed surface or other structure (other than from any area used for or exposed to hazardous substances), is a permitted activity, provided the following conditions are met:</p> <p>a) The discharge does not cause siltation, sedimentation or ponding beyond the boundary of the subject property;</p> <p>b) There is no contamination of water;</p> <p>c) The discharge does not contain any hazardous substances or wastes;</p> <p>d) The discharge does not contain human or agricultural effluent.</p> <p>If an activity is unable to meet the condition of this Rule or other Rules, then it is either a controlled or discretionary activity (See Rules 16 and 28).</p>
		Proposed Regional land & Riverbed Management Plan 2008
		6.1.3.2 Earthworks in the Non Erosion Prone Area (less than 120

Extract from Annex C – Setbacks⁹⁷

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region
Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region
Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region
Status: Operative: 9 October 2000

Activity	Rule	Summary
		No relevant rules observed.

West Coast Regional Council

West Coast Discharges to Land
Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan
Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan
Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
		Proposed Regional land & Riverbed Management Plan 2008
	6.1.5.2	The planting of exotic trees for subsequent harvest within 5 metres of any river with a bed width greater than 3 metres or lake is a restricted discretionary activity .

Environment Canterbury

Proposed Canterbury Natural Resources Regional Plan
Status: Proposed, Notified: 31 May 2000

Canterbury Land and Vegetation Plan Part 1 and 2
Status: Operative: 10 September 1997

Canterbury Land and Vegetation Plan Part 3 and 4
Status: Proposed, Notified: 1 October 1993

Activity	Rule	Summary
		Natural Resources Plan
		Rule BLR7 Land use activities within 7.5 metres of the bed or flood protection structures – permitted activity The use of land within 7.5 metres of the bed of a lake or river, or any flood protection structure is: (a) a permitted activity provided the activity complies with all the conditions of this rule; (b) a prohibited activity where condition (5) is not complied with for which no consent can be applied for under Rule BLR9; or (c) a discretionary activity where any other condition is not complied with, in which case the activity requires resource consent under Rule BLR8. Conditions: 1. The activity and any associated equipment, materials or debris shall not cause: (a) any increase in the risk or potential for flooding of surrounding lands; (b) any destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structure within the bed or margins of a lake or river; or (c) any increase in erosion of a flood protection structure or the

Extract from Annex D – Afforestation and Replanting

Hawkes Bay Regional Resource Management Plan including the Regional Policy Statement
Status: Operative: 28 August 2006

Activity	Rule	Summary
Vegetation clearance or soil disturbance activities ²⁶ .	7	Permitted: a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body ²⁶ . b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing. c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to: i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or ii. the areas identified in Schedule X to this Plan. d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m ² . e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be: i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or ii. retained in a manner which inhibits soil loss.
	8	Restricted Discretionary: Vegetation clearance or soil Disturbance activities which do not meet the conditions in Rule 7.

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region
Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region
Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region
Status: Operative: 9 October 2000

Activity	Rule	Summary
		No specific rules observed.

West Coast Regional Council

West Coast Discharges to Land
Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan
Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan
Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
	6.1.5.2	The planting of exotic trees for subsequent harvest within 5 metres of any river with a bed width greater than 3 metres or lake is a restricted discretionary activity .

Extract from Annex E – Vegetation Clearance/harvesting

		but does not meet the conditions in Rule 1.
		Standards & terms
		A site erosion and sediment control management plan shall be submitted to the Taranaki Regional Council.

Hawke's Bay Regional Council

Hawkes Bay Regional Resource Management Plan including the Regional Policy Statement

Status: Operative: 28 August 2006

Activity	Rule	Summary
Vegetation clearance or soil disturbance activities ²⁶ .	7	<p>Permitted:</p> <p>a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body²⁶.</p> <p>b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing.</p> <p>c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to:</p> <p>i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or</p> <p>ii. the areas identified in Schedule X to this Plan.</p> <p>d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m².</p> <p>e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be:</p> <p>i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or</p> <p>ii. retained in a manner which inhibits soil loss.</p>
	8	<p>Restricted Discretionary: Vegetation clearance or soil Disturbance activities which do not meet the conditions in Rule 7.</p>

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region

Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region

Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region

Status: Operative: 9 October 2000

Activity	Rule	Summary
		Regional Soil Plan for the Wellington region
	Rule 2	<p>Soil disturbance on erosion prone land</p> <p>Any soil disturbance on erosion prone land that:</p> <p>(1) involves the disturbance of greater than or equal to 1,000 m³ of soil, within any 10,000 m² area (calculated using a minimum width of 10 m) and within any continuous 12 month period; or</p> <p>(2) involves root raking over an area greater than 10,000 m² in any continuous 12 month period; excluding any soil disturbance;</p> <p>(a) associated with roading and tracking activities, or</p>

		(b) undertaken in accordance with conditions on a subdivision consent; is a Restricted Discretionary Activity .
5.3 Rules for Vegetation Disturbance	Rule 3	<p>Vegetation disturbance on erosion prone land Vegetation disturbance, excluding vegetation disturbance undertaken in accordance with conditions on a subdivision consent, of a continuous area of more than one hectare on erosion prone land is a Permitted Activity provided the following conditions are met:</p> <p>Conditions (1) The Wellington Regional Council's Regional Soil Conservator is notified in writing at least 21 days prior to the vegetation disturbance being undertaken. Notification is to include details of the site location and timing of the vegetation disturbance operation. (2) The area of vegetation disturbance will be re-established in woody vegetation within 18 months from the start of the vegetation disturbance operation. (3) Where ground-based methods are used, best management practices as described in the New Zealand Forest Code of Practice (LIRO 1990, revised 1993) are adopted. (4) No vegetation or slash with a diameter of greater than 100 mm shall be allowed to remain in any watercourse and when removed, shall be placed in a position where that material cannot enter any watercourse.</p>
	Rule 4	<p>Vegetation disturbance on erosion prone land Any vegetation disturbance activity which is provided for by Rule 3 but does not comply with any of the conditions in Rule 3 is a Restricted Discretionary Activity.</p>

West Coast Regional Council

West Coast Discharges to Land
Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan
Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan
Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
Activities Within Riparian Margins	6.1.2.2	<p>6.1.2.2 Earthworks within riparian margins are a permitted activity if all of the following conditions are met:</p> <p>(a) The volume of earthworks in the riparian margin must not exceed 25m³ and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and</p> <p>(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</p> <p>(c) No soil or debris is placed directly in any river or lake bed; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Appendix Six during the</p>

Extract from Annex F – Slash management-floodway's/direct deposits to waterways

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region

Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region

Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region

Status: Operative: 9 October 2000

Activity	Rule	Summary
		Regional Soil Plan for the Wellington region
		5.3 Rules for Vegetation Disturbance Rule 3 Vegetation disturbance on erosion prone land Vegetation disturbance, excluding vegetation disturbance undertaken in accordance with conditions on a subdivision consent, of a continuous area of more than one hectare on erosion prone land is a Permitted Activity provided the following conditions are met: Conditions (1) The Wellington Regional Council's Regional Soil Conservator is notified in writing at least 21 days prior to the vegetation disturbance being undertaken. Notification is to include details of the site location and timing of the vegetation disturbance operation. (2) The area of vegetation disturbance will be re-established in woody vegetation within 18 months from the start of the vegetation disturbance operation. (3) Where ground-based methods are used, best management practices as described in the New Zealand Forest Code of Practice (LIRO 1990, revised 1993) are adopted. (4) No vegetation or slash with a diameter of greater than 100 mm shall be allowed to remain in any watercourse and when removed, shall be placed in a position where that material cannot enter any watercourse.

West Coast Regional Council

West Coast Discharges to Land

Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan

Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan

Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
		6.1.2.2 Earthworks within riparian margins 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 ³ 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

Extracts from Annex G – Riparian disturbance

Annex G – Riparian disturbance

Note: In some instances blue highlighting has been used to identify relevant text within lengthy rules.

Northland Regional Council

Northland Water & Soil Plan Regional Plan

Status: Operative Date: 28 August 2004

Activity	Rule	Summary
		27.3 DISCRETIONARY ACTIVITIES The following activities relating to drainage and river control activities are discretionary activities: 2. Any of the following activities where they are undertaken within a drainage district or flood control scheme area: (a) The introduction of planting of any plant in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed; (b) The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed; (c) The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial watercourse, or within 3 metres of the bed; (d) The undertaking of any other land disturbance activity within 3 metres of the bed of any river, lake or artificial watercourse; which impedes the functional integrity of the drainage district or flood control scheme, or which impedes access required for maintenance purposes, is a discretionary activity.
RULES FOR INTRODUCTION OR PLANTING OF PLANTS IN, ON, OR UNDER THE BED OF A RIVER OR LAKE	30.1 PERMITTED ACTIVITIES	The following activities relating to the introduction or planting of plants in, on, or under the beds of rivers and lakes are permitted activities: 1. The introduction or planting of any plant except: (1) crack willow (<i>Salix fragilis</i>), grey willow (<i>Salix caprea</i>), weeping willow (<i>Salix babylonica</i>), and black alder (<i>Alnus glutinosa</i>), other than on the river margins of rivers where they are already predominant; (2) any exotic aquatic plant with the exception of watercress (<i>Rorippa nasturtium aquaticum</i>); and/or (3) any species listed in the Regional Pest Plant Management Strategies; in the bed of any river or lake to remedy or mitigate the adverse effects of flooding, erosion or contaminant discharges is a permitted activity, provided that: (a) Only indigenous wetland plant species are planted in natural indigenous wetlands. (b) The planted species are managed by the landowner or occupier to ensure that they do not create an obstruction to the free flow of water. (c) There is no erosion of the bed or banks of the river or lake, as a result of the planting. (d) The activity does not cause adverse flooding effects on upstream, downstream or adjacent properties. (e) It is not regulated by Rule 27.03.02
GENERAL	32.1	8. No storage, mixing of fuels, oils, agrichemicals or other similar

ENVIRONMENTAL STANDARDS		substances shall take place in the Riparian Management Zone.
GENERAL ENVIRONMENTAL STANDARDS	32.1	9. All vegetation shall be felled away from any water body unless, for safety reasons, it is impractical to do so.
ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY	32.4	<p>1. Where practicable and safe to do so, all trees shall be directionally felled or pulled back from any river, lake, indigenous wetland or the Coastal Marine Area. The removal of any tree that has been felled into any river, lake or indigenous wetland shall be undertaken so as to minimise damage to the bed and/or banks.</p> <p>Note: Where a tree has entered an indigenous wetland, it may be more appropriate to leave it in place rather than remove the tree if doing so will cause excessive damage.</p> <p>3. Machines from ground harvesting operations shall not operate within 5 metres of the bed of a river, lake, indigenous wetland or the Coastal Marine Area other than at a designated crossing or on existing roads or tracks or to assist with directional felling or to lift the stem butt out of any river, lake, indigenous wetland or the Coastal marine Area ('Turning' or 'screwing' of machines shall not occur within 5 metres of the bed of a river, lake, indigenous wetland, or the Coastal Marine Area).</p>
ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY	32.4	<p>4. Harvesting in or adjacent to the Riparian Management Zone shall be undertaken in such a way as to minimise disturbance of riparian edge vegetation (other than plantation forestry species being harvested that has formed part of the riparian vegetation).</p> <p>5. Where soil disturbance within the Riparian Management Zone results from harvesting an 80% ground cover shall be achieved within 12 months of the operation being completed.</p>
34. RULES FOR LAND DISTURBANCE ACTIVITIES WITHIN THE RIPARIAN MANAGEMENT ZONE		<p>2. Vegetation Clearance within the Riparian Management Zone is a permitted activity, provided that:</p> <p>(a) The Environmental Standards in Section 32 are complied with; and</p> <p>(b) The Vegetation;</p> <p>(i) impedes or is likely to impede flood flows; or</p> <p>(ii) causes or is likely to cause stream bank erosion; or</p> <p>(iii) is a plantation forest planted prior to this Plan becoming operative⁶; or</p> <p>(iv) is a plantation forest planted after this Plan became operative and the clearance is outside a setback of 5 metres from a water body; or</p> <p>(c) The vegetation clearance:</p> <p>(i) is the minimum necessary to give effect to the permitted activity rules in this Plan; and</p> <p>(ii) does not exceed 200 m² in total; or</p> <p>(iii) it is the minimum necessary for track and road maintenance.</p> <p>3. Earthworks in the Riparian Management Zone are a permitted activity, provided that:</p> <p>(a) The Environmental Standards in Section 32 are complied with;</p> <p>(b) The earthworks are the minimum necessary;</p> <p>(i) to give effect to the permitted activity rules in this Plan; and</p> <p>(ii) the area of exposed soil is less than 200 m² and the volume of earth disturbed is less than 50 m³; or</p> <p>(iii) for track or road maintenance;</p> <p>(c) Following the completion of any earthworks those parts of the</p>

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		<p>Riparian Management Zone that are not required for the permitted activity are reinstated to a stable contour and revegetated as soon as practicable; and</p> <p>(d) As a result of the earthworks in the Riparian Management Zone there are no adverse flooding or drainage effect on any property owned or occupied by another person.</p> <p>4. Land preparation in the Riparian Management Zone is a permitted activity, provided that:</p> <p>(a) The Environmental Standards in Section 32 are complied with; and</p> <p>(b) The activity takes place outside a setback of 5 metres from the water body and the dominant slope is less than 15 degrees.</p>
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Auckland Regional Council

Proposed Auckland Regional Plan: Air, Land and Water

Status: Proposed Notified: 23 October 2001

Auckland Regional Plan: Sediment Control

Status: Operative: 1 November 2001

Activity	Rule	Summary
		Sediment Control Plan
		<p>5.4.1.2 Conditions for Permitted Activities</p> <p>Permitted Activity Conditions for Vegetation Removal</p> <p>4 No vegetation shall be felled directly into or over any watercourse and/or channels containing stable pools unless the tree cannot be felled safely by any other means and/or the environmental consequences of leaving the tree standing exceed those of felling into or across any watercourse and/or channels containing stable pools.</p> <p>No less than 24 hours notice shall be given to Auckland Regional Council prior to the implementation of such works unless exceptional circumstances exist, or the event cannot reasonably have been foreseen.</p> <p>5 Only excavator based or purpose built felling machinery (excluding tractors and wheeled skidders) may operate within 10 metres of any watercourse and/or channels containing stable pools, provided that such machinery shall:</p> <p>(i) not be turned or screwed; and</p> <p>(ii) exit the ten metre zone along the same line used to enter the zone by either reversing out along the line of entry or continuing forward along the line of entry.</p> <p>6 Harvesting debris shall not be placed or left where it will divert or dam any watercourse, prevent fish passage or destroy significant habitat in a watercourse.</p>

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Environment Waikato

Waikato Regional Plan

Status: Operative: 28 September 2007

Activity	Rule	Summary
		<p>5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules</p> <p>a. Organic material shall not be placed in fill where its subsequent decomposition will lead to land instability.</p> <p>b. Erosion/sediment controls shall be installed and</p>

		<p>maintained on all earthworks during and on completion of the works to avoid the adverse effects of sediment on water bodies.</p> <ul style="list-style-type: none"> c. Cut-offs or culverts shall be designed and installed to prevent scour, gulying or other erosion. d. Any erosion or instability of the coastal environment, or the beds of rivers and lakes or wetlands shall be avoided or remedied if it does occur. e. The activity shall not result in neighbouring land becoming subject to flooding. f. All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of disturbed matter so that it does not result in: <ul style="list-style-type: none"> i. the diversion, damming or blockage of any river or stream, or ii. the passage of fish being impeded, or iii. the destruction of any habitat in a water body or coastal water, or iv. flooding or erosion. g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h. The concentration of suspended solids in any point source discharge arising from the activity shall comply with the suspended solids standards as set out in Method 3.2.4.6. This condition applies only to permitted activity rules and excludes any non-point source discharges from roading, tracking and vegetation clearance activities (refer condition o) below). i. Any discharge of contaminants into air arising from the activity shall comply with the permitted activity conditions in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. j. In the event of any waahi tapu that is not subject to g) above being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. k. No storage or mixing of fuels, oils, or agrichemicals shall be undertaken in areas where deliberate or inadvertent discharge is likely to enter any permanent natural surface water body. l. All vegetation that is being felled within five metres of a perennial water body shall be felled away from the water body, except edge vegetation, or vegetation leaning over a water body, which if necessary may be felled in accordance with safety practices. m. All exposed areas of soil resulting from the activity shall be stabilised against erosion by vegetative cover or other methods as soon as practical following completion of the activity and no later than six to twelve months from the date of disturbance to avoid the adverse effects of sediment on water bodies.
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		<p>pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State water body as shown on the Water Management Class Maps</p> <ol style="list-style-type: none"> 6. Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy. 7. Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of: <ol style="list-style-type: none"> a. Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or b. Vegetation associated with riparian enhancement programmes. 8. Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres of that bridge or culvert; <p>and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.</p> <p>Waikato Regional Council reserves control over the matters that are specified in Section 5.1.6.</p> <p>Exclusion to Rule 5.1.4.14:</p> <ol style="list-style-type: none"> a. This Rule shall not apply to vegetation clearance within high risk erosion areas and riparian vegetation clearance where it is for the express purposes of erosion control or natural hazard mitigation, provided Waikato Regional Council is notified in writing at least ten (10) working days prior to the activity commencing. (Rule 5.1.4.11 applies). b. This Rule shall not apply to the clearance of planted production forest where the clearance is for the express purpose of constructing access across the bed of a river where the crossing structure and associated earthworks are otherwise permitted by this plan or a resource consent.
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Environment Bay of Plenty

Bay of Plenty Regional Plan for the Tarawera River Catchment

Status: Operative: 1 February 2004

Bay of Plenty Regional Water and Land Plan

Status: Operative: 1 December 2008

Activity	Rule	Summary																																	
9.2.4 Forestry harvesting and forestry earthworks	Rule 3	<p>Permitted – Forest Harvesting and Forestry Earthworks by Accredited Forestry Operators</p> <p>The disturbance of land resulting from:</p> <p>1 Vegetation disturbance for forest harvesting purposes in any location, regardless of slope.</p> <p>2 Earthworks associated with forestry activities that do not exceed the permitted limits stated in Table 33.</p> <p>Table 33 – Permitted Threshold Limits for Forestry Earthworks by Accredited Operators</p> <table><tr><th></th><th>General Area</th><th>Location</th><th>Land Slope</th><th>Riparian Management Zone – Distance from surface water body as measured from the edge of the surface water body</th><th>Permitted Limits</th></tr><tr><td rowspan="5">(a)</td><td rowspan="5">Riparian Management Zone</td><td rowspan="5">All streams, rivers, wetlands, and lakes, excluding the Rotorua Lakes</td><td>0 to 7°</td><td>Between 0-5 horizontal metres of the edge of the water body</td><td rowspan="3">Earthworks excluding stream crossings – 400 m² and 200 m³</td></tr><tr><td>>7 to 15°</td><td>Between 0-10 horizontal metres of the edge of the water body</td></tr><tr><td>>15 to 25°</td><td>Between 0-20 horizontal metres of the edge of the water body</td></tr><tr><td>>25 to 35°</td><td>Between 0-25 horizontal metres of the edge of the water body</td><td rowspan="2">Earthworks for stream crossing purposes – exposed area no greater than 1,000 m² per crossing</td></tr><tr><td>>35°</td><td>Between 0-40 horizontal metres of the edge of the water body</td></tr><tr><td>(b)</td><td>Sand Dune Country</td><td>Refer to Definition of Terms</td><td>Any land slope</td><td>Refer to Definition of Terms</td><td>All Controlled under Rule 3A</td></tr><tr><td>(c)</td><td>Any other land not specified in (a) to (b).</td><td>Not in the Riparian Management Zone or Sand Dune Country</td><td>Any slope</td><td>N/A</td><td>All permitted</td></tr></table> <p>Is a permitted activity subject to the following conditions:</p> <p>(a) The activity shall be carried out by an Accredited Forestry Operator (refer to Definition of Terms), and in accordance with section 3.2 of Schedule 12.</p> <p>(b) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.</p> <p>(c) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded:</p> <p>(i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids.</p> <p>(ii) Any conspicuous change in colour or visual clarity.</p> <p>(iii) Any emission of objectionable odour.</p> <p>(iv) The rendering of fresh water unsuitable for consumption by farm animals.</p> <p>(v) Any more than minor adverse effects on aquatic life.</p> <p>(d) The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</p> <p>(i) Instability of land or the banks of the surface water body.</p> <p>(ii) Scour to the bed of the surface water body.</p> <p>(e) The activity shall not disturb vegetation in a wetland; or change the water flow or quantity or quality in a wetland.</p> <p>(f) The activity shall not obstruct or divert the flow of water in such a manner that it results in a blockage, flooding or erosion.</p> <p>(g) All practicable measures shall be taken to avoid vegetation,</p>		General Area	Location	Land Slope	Riparian Management Zone – Distance from surface water body as measured from the edge of the surface water body	Permitted Limits	(a)	Riparian Management Zone	All streams, rivers, wetlands, and lakes, excluding the Rotorua Lakes	0 to 7°	Between 0-5 horizontal metres of the edge of the water body	Earthworks excluding stream crossings – 400 m² and 200 m³	>7 to 15°	Between 0-10 horizontal metres of the edge of the water body	>15 to 25°	Between 0-20 horizontal metres of the edge of the water body	>25 to 35°	Between 0-25 horizontal metres of the edge of the water body	Earthworks for stream crossing purposes – exposed area no greater than 1,000 m² per crossing	>35°	Between 0-40 horizontal metres of the edge of the water body	(b)	Sand Dune Country	Refer to Definition of Terms	Any land slope	Refer to Definition of Terms	All Controlled under Rule 3A	(c)	Any other land not specified in (a) to (b).	Not in the Riparian Management Zone or Sand Dune Country	Any slope	N/A	All permitted
	General Area	Location	Land Slope	Riparian Management Zone – Distance from surface water body as measured from the edge of the surface water body	Permitted Limits																														
(a)	Riparian Management Zone	All streams, rivers, wetlands, and lakes, excluding the Rotorua Lakes	0 to 7°	Between 0-5 horizontal metres of the edge of the water body	Earthworks excluding stream crossings – 400 m² and 200 m³																														
			>7 to 15°	Between 0-10 horizontal metres of the edge of the water body																															
			>15 to 25°	Between 0-20 horizontal metres of the edge of the water body																															
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			>35°	Between 0-40 horizontal metres of the edge of the water body																															
(b)	Sand Dune Country	Refer to Definition of Terms	Any land slope	Refer to Definition of Terms	All Controlled under Rule 3A																														
(c)	Any other land not specified in (a) to (b).	Not in the Riparian Management Zone or Sand Dune Country	Any slope	N/A	All permitted																														

		<p>soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.</p> <p>(h) All vegetation slash shall be managed to avoid accumulation to levels that could cause erosion or instability of land, especially around skid sites or landings.</p> <p>(i) Vegetation or debris resulting from the activity shall be removed from all permanently flowing streams where it will divert or dam the watercourse.</p> <p>(j) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.</p> <p>(k) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity.</p> <p>(l) Where the earthworks are for stream crossing purposes, the activity shall also comply with the following conditions:</p> <p>(i) The crossing shall be made at, or near to, right angles to the flow of water in the river or stream, ensuring minimal roading in the Riparian Management Zone.</p> <p>(ii) The area shall be stabilised as soon as practicable, but no later than 3 months from the end of the activity.</p> <p>(iii) All practicable steps shall be taken to keep stormwater away from the stream crossing approach.</p> <p>(m) Where practicable and safe, trees shall be directionally felled or pulled back to prevent them entering streams or from damaging wetlands.</p>	★★
		<p>Rule 80 Permitted – Sustainable Use of Wetlands</p> <p>The modification of a wetland for the purposes of sustainable use of the wetland, where the use is:</p> <p>1 Harvesting or sustainable use of wetland resources that is undertaken in accordance with;</p> <p>(a) An Environment Bay of Plenty Environmental Programme that specifically includes the sustainable use of the wetland, or</p> <p>(b) A Wetland Management Agreement, or</p> <p>(c) A reserves management plan prepared by a district or city council, the Department of Conservation, or Fish and Game NZ.</p> <p>Or</p> <p>2 Maori customary use, including, but not limited to raranga, rongoa, and mahinga kai, where the activity is undertaken according to tikanga Maori;</p> <p>Is a permitted activity.</p>	
		<p>Rule 84 Permitted – Minor Disturbance of Vegetation in Wetlands Associated with Cable Logging by Accredited Forestry Operators</p> <p>The disturbance of vegetation in a wetland where the vegetation disturbance is due to cable logging of plantation forests is a permitted activity subject to the following conditions:</p> <p>(a) The activity shall be carried out by an Accredited Forestry Operator (refer to Definition of Terms), and in accordance with section 3.2 of Schedule 12.</p> <p>(b) The activity shall only cause minor and temporary disturbance (but not clearance) of vegetation in the wetland.</p> <p>(c) The activity shall be undertaken according to best management practices that minimise the area and extent of vegetation disturbance.</p>	

		<p>(d) The activity shall not expose bare ground in the wetland, remove plants, or prevent the recovery of the function and coverage of the disturbed vegetation over the following 12 month period.</p> <p>(e) The activity shall not be carried out over a period that exceeds a consecutive period of 3 months per rotation at any site.</p> <p>(f) The activity shall not change the water quantity or flow in the wetland.</p> <p>Explanation/Intent of Rule</p> <p>To provide for minor and temporary disturbance of wetland vegetation by an Accredited Forestry Operator, where it is not possible to avoid adverse effects from cable logging due to terrain or access difficulties. Any non-compliance with the conditions of this rule (i.e. there is extensive damage to the wetland, or damage to the extent that the wetland can not regenerate) will be addressed through appropriate enforcement provisions in the Act, and restoration of the wetland will be required.</p>
		<p>Rule 84A Restricted Discretionary – Minor Disturbance of Vegetation in Wetlands</p> <p>Associated with Cable Logging</p> <p>The disturbance of vegetation in a wetland where the vegetation disturbance results from cable logging of plantation forests, because of terrain or access difficulties, require logs to be hauled across a wetland, and excluding activities permitted by Rule 84, is a restricted discretionary activity subject to the following conditions:</p> <p>(a) The activity shall only cause minor and temporary disturbance (but not clearance) of vegetation in the wetland.</p> <p>(b) The activity shall be undertaken according to practices that minimise the area and extent of vegetation disturbance.</p> <p>(c) The activity shall not expose bare ground in the wetland, remove plants, or prevent the recovery of the function and coverage of the disturbed vegetation over the following 12 month period.</p> <p>(d) The activity shall not disturb greater than 5% of the total area of the wetland over which logs are being hauled.</p> <p>(e) The activity shall not be carried out over a period that exceeds a consecutive period of 3 months per rotation at any site.</p> <p>(f) The activity shall not change the water quantity or flow in the wetland.</p>

Horizons Regional Council

Manawatu-Wanganui Regional Land and Water Regional Plan

Status: Operative: 30 September 2003

Proposed Horizons One Plan

Status: Proposed, Notified: 31 May 2007

Manawatu-Wanganui Beds of Rivers & Lakes & Associated Activities Plan

Status: Operative: 14 March 2001

Activity	Rule	Summary
		Horizons Proposed One Plan
	12-2 Production	Controlled activity: Vegetation clearance or land disturbance pursuant to s 9 RMA for the purposes of harvesting production

	forestry	<p>forestry or developing land for production forestry planting, in the following circumstances:</p> <p>(a) in the case of land adjoining rivers, lakes and natural wetlands:</p> <p>(i) for areas where the land slope is between 0° and 15°, within 10m of the bed of a river, lake or wetland</p> <p>(ii) for areas where the land slope is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m, whichever is the lesser</p> <p>(b) in the case of hillcountry highly erodible land, the affected area is more than 1 ha/y per property.</p> <p>(c) in the case of coastal highly erodible land, the affected area is more than 100 m²/y per property. This rule does not apply to production forestry activities that are:</p> <p>(d) accredited by the Forestry Stewardship Council programme (these are a permitted activity under Rule 12-1)</p> <p>(e) on land mapped as hillcountry highly erodible land in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (these are a permitted activity under Rule 12-1)</p> <p>(f) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (these are a permitted activity under Rule 12-1)</p>
	12-5 Vegetation clearance and land disturbance on coastal foredunes and near water bodies	<p>Vegetation clearance* or land disturbance*, including cultivation, pursuant to s 9 RMA in the following areas:</p> <p>(a) for coastal foredunes*, on any land along the west coast of the Region between the coastal marine area and the inland margin of the coastal foredune</p> <p>(b) for rivers, lakes and natural wetlands:</p> <p>(i) in areas where the land slope is between 0° and 15°, within 10 m of the bed of a river, lake or wetland</p> <p>(ii) in areas where the land slope is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m whichever is the lesser</p> <p>(c) for artificial water bodies, within 5 m of the wetted perimeter of the water body.</p> <p>This rule does not apply to vegetation clearance* and land disturbance* that is:</p> <p>(d) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (this is a permitted activity under Rule 12-1) or</p> <p>(e) for production forestry purposes (this is a permitted activity under Rule 12-1 or a controlled activity under Rule 12-2)</p>
		Land & Water Regional Plan September 2003
		<p>32.1 Rules for vegetation clearance and soil disturbance</p> <p>These rules apply to all land in the Region except land in the coastal marine area, and the beds of lakes and rivers. Land in the coastal marine area is covered by the Regional Coastal Plan, and land in the beds of rivers and lakes by the Regional Plan for Beds of Rivers and Lakes and Associated Activities.</p> <p>LM Rule 1: Coastal foredunes</p> <p>1.1 On any land on the west coast of the Region between the</p>

		<p>coastal marine area and the inland margin of the coastal foredune, vegetation clearance or soil disturbance is a Discretionary Activity.</p> <p>1.2 The information required with land use consent applications for this activity is set out in Section 34.4.1 of this Plan.</p>
<p>Permitted Vegetation Clearance, Soil Disturbance and Cultivation</p>	<p>LM Rule 2:</p>	<p>Subject to LM Rule 1, vegetation clearance, soil disturbance and cultivation is a Permitted Activity provided</p> <p>a. the area of contiguous vegetation clearance, other than for the harvesting of plantation forest, does not exceed 2 hectares per annum; and</p> <p>b. no vegetation clearance, other than the clearance of plantation forestry established prior to the date of this Plan becoming operative, occurs</p> <p>i. within 20 metres of any waterbody identified in Appendix 6; or</p> <p>ii. within 5 metres of any other permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or any other wetland; and</p> <p>c. no cultivation shall occur within 5 metres of the bank of any waterbody identified in Appendix 6 or within 3 metres of the bank of any other permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake or any wetland unless bunding, silt traps, interception drains or other alternative methods to control runoff are installed prior to, and maintained during cultivation; and</p> <p>d. no soil disturbance, except as provided for by condition c. above, shall occur within 5 metres of the bank of any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake or any wetland; and</p> <p>e. any area of bare ground (other than building sites, firebreaks, tracks, roads or forestry landings) is revegetated to protect from erosion as soon as practicable and no later than 18 months from the date of vegetation clearance or soil disturbance with species that provide equivalent land stabilisation; and</p> <p>f. water run-off controls are installed and maintained for building sites, tracks, roads or forestry landing sites; and</p> <p>g. batters, cuts and side castings are established by methods that prevent slumping; and</p> <p>h. trees are felled away from any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland other than where this would endanger the health and safety of site workers; and</p> <p>i. slash, soil or debris from any vegetation clearance, soil disturbance or cultivation is not directly deposited into any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland; or left in a position where it may avalanche down any slope; and</p> <p>j. any pieces of slash greater than 10 cm stem diameter or greater than 2 m in length that enter any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland are removed; and</p> <p>k. felled vegetation is not dragged through any permanently flowing river, or any river with a bed width in excess of 2 metres, or any lake, or any wetland.</p>
<p>Other Vegetation Clearance and Soil Disturbance</p>	<p>LM Rule 3:</p>	<p>3.1 Vegetation clearance and soil disturbance that cannot comply with one or more conditions of LM Rule 2 is a Restricted Discretionary Activity.</p> <p>3.2 The Council restricts its discretion to:</p>



		the Regional Council upon request.
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Taranaki Regional Council

Regional Soil Plan for Taranaki

Status: Operative 8 October 2001

Taranaki Freshwater Plan

Status: Operative: 8 October 2001

Activity	Rule	Summary
		<u>Regional Soil Plan for Taranaki</u>
Vegetation disturbance	1	<p>Permitted - Vegetation disturbance where: That disturbance involves a contiguous area of more than 5 hectares carried out within 1 year of commencing that activity; and Any part of that disturbance is on land with a slope greater than 28.</p> <p>Standards & terms</p> <p>The Taranaki Regional Council shall be notified in writing that the vegetation disturbance is to occur and the location and timing of that activity, at least 15 working day prior to the commencement of the activity.</p> <p>Vegetation disturbance shall not result in more than 10% of the area of vegetation disturbance being disturbed to the extent that the mineral subsoil is exposed.</p> <p>The area of vegetation disturbance shall be revegetated as soon as practicable after the completion of the activity.</p> <p>Vegetation disturbance shall not give rise to any or all of the following effects in any surface water body, after reasonable mixing:</p> <ul style="list-style-type: none"> - The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; - Any conspicuous change in the colour or visual clarity; - Any emission of objectionable odour; - The rendering of fresh water unsuitable for consumption by farm animals; or - Any significant adverse effects on aquatic life. <p>All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of the disturbed matter so that it does not result in:</p> <ul style="list-style-type: none"> - The diversion, damming or blockage of any river or stream; - The passage of fish being impeded; - Flooding or erosion; or - Any significant adverse effects on aquatic life or instream habitat. <p>All vegetation that is being felled adjacent to a surface water body shall be felled away from the water body (excluding edge vegetation, or vegetation leaning over a water body, which may be felled in accordance with safety practices).</p> <p>No logs or trees shall be dragged through the bed</p>

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		of a surface water body.
	2	<p>Controlled - Vegetation disturbance that is provided for in Rule 1 but does not meet the conditions in Rule 1.</p> <p>Standards & terms</p> <p>A site erosion and sediment control management plan shall be submitted to the Taranaki Regional Council.</p>
		<u>Regional Fresh Water Plan for Taranaki</u>
Discharges of stormwater and sediment	25	<p>Permitted - Discharges of stormwater and sediment deriving from soil disturbance activities of 1ha or less;</p> <p>Into surface water (excluding those wetlands listed in Appendix II) and/or</p> <p>Onto or into land in circumstances where sediment from soil disturbance may enter water</p> <p>Conditions:</p> <p>The discharge shall not derive from an area of soil disturbance greater than 1ha²⁰;</p> <p>The discharge shall not derive from a volume of soil disturbance greater than 3000m³ ²⁰;</p> <p>Soil stabilisation shall be undertaken as soon as practicable after the completion of the works;</p> <p>Discharge to surface water shall contain less than 100gm³ suspended solids;</p> <p>Discharge to surface water shall not give rise to any or all of the following effects in the receiving water after reasonable mixing:</p> <ul style="list-style-type: none"> (a) the production of any conspicuous oil or grease films, scums, or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for consumption by farm animals; (e) any significant adverse effects on aquatic life.
Discharges of stormwater and sediment	26	<p>Permitted - Discharges of stormwater and sediment deriving from soil disturbance activities of between 1 and 8ha;</p> <p>Into surface water (excluding those wetlands listed in Appendix II) and/or</p> <p>Onto or into land in circumstances where sediment from the soil disturbance may enter water</p> <p>Conditions:</p> <p>The discharge shall not derive from an area of soil disturbance greater than 8ha²¹;</p>

		<p>The discharge shall not derive from a volume of soil disturbance greater than 24,000m³ 21;</p> <p>The discharge shall not derive from soil disturbance which takes place between 1 May and 31 October;</p> <p>The discharge shall not derive from soil disturbance which takes place within a defined urban catchment;22</p> <p>Soil stabilisation shall be undertaken as soon as practicable after the completion of the works;</p> <p>Discharge to surface water shall contain less than 100gm³ suspended solids;</p> <p>Discharge to surface water shall not give rise to any or all of the following effects in the receiving water after reasonable mixing:</p> <ul style="list-style-type: none"> (a) the production of any conspicuous oil or grease films, scums, or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for consumption by farm animals; (e) any significant adverse effects on aquatic life.
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Hawke's Bay Regional Council

Hawkes Bay Regional Resource Management Plan including the Regional Policy Statement

Status: Operative: 28 August 2006

Activity	Rule	Summary
Vegetation clearance or soil disturbance activities26.	7	<p>Permitted:</p> <ul style="list-style-type: none"> a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body26. b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing. c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to: <ul style="list-style-type: none"> i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or ii. the areas identified in Schedule X to this Plan. d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m². e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be: <ul style="list-style-type: none"> i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or ii. retained in a manner which inhibits soil loss.
	8	<p>Restricted Discretionary: Vegetation clearance or soil Disturbance activities which do not meet the conditions in Rule 7.</p>

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Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region

Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region

Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region

Status: Operative: 9 October 2000

Activity	Rule	Summary
		No relevant rules observed

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West Coast Regional Council

West Coast Discharges to Land

Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan

Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan

Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
		<p>6.1.2.2 Earthworks within riparian margins are a permitted activity if all of the following conditions are met:</p> <p>(a) The volume of earthworks in the riparian margin must not exceed 25m³ and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and</p> <p>(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</p> <p>(c) No soil or debris is placed directly in any river or lake bed; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Appendix Six during the months of December to May inclusive; and</p> <p>(g) Earthworks are carried out such that:</p> <p>(1) 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</p> <p>(2) Any culverts or cut and fill batters are designed and constructed or installed to prevent their failure and avoid causing erosion; and</p> <p>(3) Trenches for the purpose of installing pipes, lines, or cables are backfilled and compacted within 48 hours of excavation; and</p> <p>(h) No refuelling of equipment takes place on any area of a riverbed; and</p> <p>(i) The activity does not cause or contribute to any slope or land instability, including subsidence or other erosion; and</p> <p>(j) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable, and</p> <p>(k) No earthworks occur within any wetland identified in Schedule</p>

		1.
	6.1.2.3	<p>Vegetation Disturbance within riparian margins is a permitted activity if all of the following conditions are met:</p> <p>(a) Native Vegetation is only removed where:</p> <p>(1) It is causing bank erosion; or</p> <p>(2) It is toxic to livestock; or</p> <p>(3) The activity is undertaken in conjunction with permitted activity rule 6.1.2.2; and</p> <p>(b) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Appendix Six during the months of December to May inclusive; and</p> <p>(c) The activity does not cause or contribute to land instability or erosion; and</p> <p>(d) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</p> <p>(e) No debris is placed directly in any river or lake bed.</p>

Environment Canterbury

Proposed Canterbury Natural Resources Regional Plan
Status: Proposed, Notified: 31 May 2000

Canterbury Land and Vegetation Plan Part 1 and 2

Status: Operative: 10 September 1997

Canterbury Land and Vegetation Plan Part 3 and 4

Status: Proposed, Notified: 1 October 1993

Activity	Rule	Summary
		<p><u>Waimakariri River Plan</u></p> <p>Rule 7.2 Permitted Activities</p> <p>The following activities in, on, under, or over the bed of any river in the Waimakariri River Catchment are permitted activities:</p> <p>(a) the disturbance of the bed;</p> <p>(b) the deposition of excavated bed material, rockwork, rock used for bank protection, or cut plant material, but not including concrete blocks;</p> <p>(c) the introduction or planting of any plant or any part of any plant (whether exotic or indigenous);</p> <p>(d) the disturbance, removal, damage, or destruction of any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals; provided that:</p> <p>(i) the activity is for the purpose of:</p> <p>(1) the repair or maintenance of flood protection works²⁰;</p> <p>(2) the repair or maintenance of existing transport or transmission line or other network utility infrastructure (including roads, bridges, railways, power lines, telephone lines, communication lines) located in the river bed;</p> <p>(3) the establishment and maintenance of river cross-section survey sites;</p> <p>(4) the control or eradication of exotic vegetation (e.g., broom, gorse, grass, lupin); or</p> <p>(5) the maintenance and enhancement of indigenous vegetation, habitats of indigenous fauna, and habitat of salmon and trout;</p> <p>(ii) the disturbance of the bed does not occur within 100 metres</p>

		<p>of colonies²¹ of birdlife, nesting or rearing their young in riverbed gravels from 1 September to 31 January of the following year, or physically disturb any indigenous bird's nest currently in use;</p> <p>(iii) no plant or any part of any plant, whether exotic or indigenous, is introduced or planted where it will adversely affect flood carrying capacity;</p> <p>(iv) no plant or part of any plant defined as a pest in a pest management strategy, or defined as an unwanted organism under the Biosecurity Act 1993, is planted or introduced;</p> <p>(v) no plant or any part of any plant, including slash, debris, prunings and thinnings, is deposited in a position where it will block or divert the river flow;</p> <p>(vi) "above Woodstock", defined in Figure 4 and Map 1, any plant or any part of any plant introduced or planted is indigenous to New Zealand and to the locality, or is the same exotic species as plants growing in the vicinity of the activity undertaken;</p> <p>(vii) the activity is not located in, on, under, or over any wetland in the bed;</p> <p>(viii) for the purpose of maintenance and enhancement of indigenous vegetation, habitats of indigenous fauna, and habitat of salmon and trout:</p> <p>(1) the quantity of bed material disturbed is less than 10 cubic metres at any one site;</p> <p>(2) the disturbance does not occur within 5 metres of any flood protection works; and</p> <p>(3) the disturbance does not occur within 50 metres of any structure, other than flood protection works, located in the riverbed.</p> <p>(ix) any rockwork or rock used for bank protection deposited in the bed, shall be the same or similar colour to the greywacke material in the riverbed.</p>			
		<p><u>Proposed Canterbury Natural Resources Plan</u></p> <p>Rule WQL32 Vegetation clearance within a riparian zone-permitted activity</p> <p>The use of land in a margin of a river or lake, where the land has a dominant slope and is within the setback distances specified in Rule Table WQL 32, for vegetation clearance; is -</p> <p>1. a permitted activity if such use complies with all of the conditions of this Rule;</p> <p>2. a restricted discretionary activity if such use does not comply with any one or more of conditions of this Rule, in which case a resource consent under Rule WQL 34 is required.</p> <p>For the purposes of this rule, a river means a permanently or intermittently flowing river, but not an ephemeral watercourse.</p> <p>Where rule applies</p> <p>This rule does not apply to all areas/ situations in the Canterbury region – see Table WQL 7: Index of rules</p>			
		<table border="1"> <tr> <td>Dominant land slope (degrees)</td><td>Setback distance from the edge of a</td><td>Setback distance from the edge of a</td></tr> </table>	Dominant land slope (degrees)	Setback distance from the edge of a	Setback distance from the edge of a
Dominant land slope (degrees)	Setback distance from the edge of a	Setback distance from the edge of a			

		of the land within 50 metres of the edge of the water body.	river (metres)	lake (metres)	
		0 to 3	1	10	
		4 to 8	3	15	
		9 to 20	10	20	
		Greater than 20	20	50	
	conditions	<p>1. The vegetation clearance is only undertaken:</p> <p>(a) for the repair or maintenance of:</p> <p>(i) public network utilities;</p> <p>(ii) public roads, tracks, or railway tracks;</p> <p>(iii) legally established stream or river crossings;</p> <p>(iv) legally established private tracks,</p> <p>(v) firebreaks required under the Forest & Rural Fires Act 1977;</p> <p>(vi) public reserves established under the Reserves Act 1977 or National Parks Act 1980 Wildlife Act 1953;</p> <p>(vii) flood control structures or flood control plantations or access to these;</p> <p>(b) for the management of farm assets;</p> <p>(c) to establish survey lines or install an instrument to monitor water flow and levels;</p> <p>(d) for the restoration or enhancement of riparian vegetation to maintain or improve water quality, indigenous biodiversity, salmonid habitat, cultural or amenity values.; or</p> <p>(e) to comply with the requirements of the Regional Pest Management Strategy, a national pest management strategy, or the Biosecurity Act 1993.</p> <p>2. Except for those activities identified in Conditions 1 (d) and 1 (e), the total area of vegetation clearance shall be less than 100 square metres in any kilometre length of the margin of a river or a lake in any consecutive six month period.</p> <p>3. No vegetation, slash or plant debris with a diameter greater than 75 millimetres, or longer than two metres shall be:</p> <p>(a) deposited into the bed of a river, or lake; or</p> <p>(b) placed on land in a position where it is likely to enter a river, or lake.</p> <p>4. All practicable measures shall be taken to avoid vegetation, slash or plant debris, with a diameter less than 75 millimetres or length less than two metres, soil or any other debris being deposited in the bed of a river or lake.</p> <p>5. Except for those activities identified in Condition 1, the vegetation clearance shall not take place on land above an elevation of 900 metres above sea level.</p> <p>6. The vegetation clearance is undertaken for the maintenance or harvesting of trees planted in a production forest that was established at the date of notification of this rule provided:</p> <p>(a) trees are felled away from:</p> <p>(i) any permanently flowing river; or</p> <p>(ii) any river with an average bed width greater than two metres in the area where the clearance is occurring, or</p> <p>(iii) a lake; and</p> <p>(b) no logs or trees shall be dragged through or across the bed</p>			

		<p>of a lake or a permanently flowing river; and</p> <p>(c) Environment Canterbury shall be notified in writing of the location and timing of the harvesting, at least five working days prior to the commencement of the harvesting,</p> <p>7. There shall be no vegetation clearance for the maintenance or harvesting of trees planted in a production forest after the date of notification of this rule.</p>															
		<p>Rule WQL33 Disturbance or deposition of soil within a riparian zone - permitted activity</p> <p>The use of land in a margin of a river or lake, where the land has a dominant slope and is within the setback distances specified in Rule Table WQL 33 and such use results in the disturbance or deposition of soil;</p> <p>is -</p> <ol style="list-style-type: none"> 1. a permitted activity if such use complies with all of the conditions of this Rule; 2. a restricted discretionary activity if such use does not comply with any one or more of conditions of this Rule, in which case a resource consent under Rule WQL 34 is required; <p>For the purposes of this rule, a river means a permanently or intermittently flowing river, but not an ephemeral watercourse.</p> <table border="1"> <thead> <tr> <th>Dominant land slope (degrees) of the land within 50 metres of the edge of the water body.</th><th>Setback distance from the edge of a river (metres)</th><th>Setback distance from the edge of a lake (metres)</th></tr> </thead> <tbody> <tr> <td>0 to 3</td><td>1</td><td>10</td></tr> <tr> <td>4 to 8</td><td>3</td><td>15</td></tr> <tr> <td>9 to 20</td><td>10</td><td>20</td></tr> <tr> <td>Greater than 20</td><td>20</td><td>50</td></tr> </tbody> </table>	Dominant land slope (degrees) of the land within 50 metres of the edge of the water body.	Setback distance from the edge of a river (metres)	Setback distance from the edge of a lake (metres)	0 to 3	1	10	4 to 8	3	15	9 to 20	10	20	Greater than 20	20	50
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4 to 8	3	15															
9 to 20	10	20															
Greater than 20	20	50															
	conditions	<ol style="list-style-type: none"> 1. All practicable measures shall be taken to avoid soil being deposited into the bed of a river, or a lake, or placed in a position where it is likely to enter a river or lake. 2. Any discharge of soil to the water in a river or a lake from the use of the land shall not result in: <ol style="list-style-type: none"> (a) a conspicuous change to the colour or clarity of the receiving water for more than 60 consecutive minutes in any 24 hour period compared with the colour or clarity of the river immediately upstream of the activity, or the natural colour or clarity of the lake in the area of the activity; or (b) the embeddedness of the river or lake bed substrate increasing by more than ten percent. 3. All excavations, batters, side-castings or other areas of soil disturbance or deposition resulting from the activity shall be stabilised to prevent slumping, or protected from soil erosion by 															

		<p>revegetation or other methods as soon as practicable. These protection or stabilisation works shall commence no later than within two months of the activity ceasing, and be completed with one month after commencing.</p> <p>4. Stormwater run-off controls, water table cut-offs, sediment traps and culverts are to be installed and maintained on tracks and roads to minimise erosion of the land surface and surface run-off.</p> <p>5. Any trenches excavated shall be back-filled and compacted within three days of being excavated.</p> <p>6. Cultivation shall be undertaken across the contour of the land and a permanent vegetation cover shall be maintained between the cultivation activity and the edge of the river or lake.</p> <p>7. The extent of soil disturbance or the volume of soil excavated or deposited when the activity is located:</p> <p>(a) within three kilometres upstream on a river, or within one kilometre on a lake, from an intake for a community drinking water supply listed in Schedule WQL2; or</p> <p>(b) Zone BP shown on the Map Volume Part 1- Planning Maps; and shall not exceed an area of 200 square metres, or a volume of 20 cubic metres in any continuous kilometre length of the margin of a river or lake in a consecutive six month period.</p> <p>8. The extent of soil disturbance or the volume of soil excavated or deposited, where the activity is located outside of Zone BP shown on the Map Volume Part 1- Planning Maps, shall not exceed:</p> <p>(a) an area of 500 square metres; or</p> <p>(b) a volume of 40 cubic metres;</p> <p>in any kilometre length of the margin of the river or lake in a consecutive six month period.</p> <p>9. The activity shall not occur within the following areas:</p> <p>(a) a significant spawning reach for salmon listed in Schedule WQN14; or</p> <p>(b) a site registered on the Environment Canterbury Listed Use Land Register.</p>
		<p>Rule WQL34 Vegetation clearance or soil disturbance activities in a riparian zone that do not comply with Regional Rules WQL 32 or WQL 33- restricted discretionary activity</p> <p>The following uses of land are restricted discretionary activities, and require a resource consent:</p> <p>1. The use of land on the margin of a river or lake where such land has a dominant slope and is within the setback distances specified in:</p> <p>(a) Rule Table WQL32 for vegetation clearance in a way that does not comply with any one of the conditions of Rule WQL32; or</p> <p>(b) Rule Table WQL33 for the disturbance or deposition of soil on the land in a way that does not comply with any one of the conditions of Rule WQL 33.</p>
		<p>Rule BLR4 Introduction or planting of plants – permitted activity</p> <p>The introduction or planting of any plant or part of any plant in, on or under the bed of a lake or river, including any associated disturbance of the bed, is:</p> <p>(a) a permitted activity provided the activity complies with all the conditions of this rule;</p> <p>(b) a permitted activity where condition (1) is not complied with,</p>

		<p>but the activity complies with all the conditions of Rule BLR6;</p> <p>(c) a discretionary activity where condition (1) is not complied with, and the activity does not comply with the conditions in Rule BLR6, in which case the activity requires resource consent under rule BLR8;</p> <p>(d) a prohibited activity where condition (2) is not complied with and no consent can be applied for under Rule BLR9; or</p> <p>(e) a discretionary activity where any other condition is not complied with, in which case the activity requires resource consent under Rule BLR8.</p>
	Conditions	<p>1. The activity shall not be undertaken within the beds of any natural state or high naturalness water bodies listed in schedule WQN5.</p> <p>2. No plant species identified in Schedule BLR1 of this chapter shall be planted or introduced.</p> <p>3. The activity shall not obstruct the passage of fish both upstream and downstream, or be undertaken within any significant salmon spawning sites listed in Schedule WQN14.</p> <p>4. The planting or introduction and any associated equipment or materials shall not obstruct or alter the passage of water in a manner that causes:</p> <p>(a) any increase in the risk or potential for flooding of surrounding lands;</p> <p>(b) any destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structures within the bed of a lake or river;</p> <p>(c) any increase in erosion of the river or lake bed; or</p> <p>(d) drainage of the bed.</p> <p>5. The activity shall not restrict access to flood control structures or flood control vegetation for the purposes of their repair or maintenance.</p> <p>6. A discharge of sediment into water shall not:</p> <p>(a) for more than a total of 60 minutes in any consecutive 24 hour period:</p> <p>(i) change the colour by more than five Munsell Units; or</p> <p>(ii) decrease the clarity by more than 20 percent; or</p> <p>(b) increase the embeddedness of the bed substrate by more than ten percent.</p> <p>7. The planting or introduction shall not contravene rules WQN45 or WQN46 under Chapter 5 of this Proposed NRRP.</p>
		<p>Rule BLR5 Disturbance of vegetation and harvesting practices – permitted activity</p> <p>The disturbance, removal, damage or destroying of any plant or part of any plant in, on, over or under the bed of a lake or river, including any associated disturbance of the bed, and depositions of plant material on the bed, is:</p> <p>(a) a permitted activity provided the activity complies with all the conditions of this rule;</p> <p>(b) a permitted activity where condition (1) is not complied with, but the activity complies with all the conditions of Rule BLR6;</p> <p>(c) a discretionary activity where condition (1) is not complied with, and the activity does not comply with the conditions in Rule BLR6, in which case the activity requires resource consent under rule BLR8;</p> <p>(d) a discretionary activity where any other condition is not complied with, in which case the activity requires resource</p>

		consent under rule BLR8.
	Conditions	<p>1. The activity shall not be undertaken within the beds of any natural state or high naturalness water bodies listed in schedule WQN5; unless the activity is classed as a permitted activity under Rule BLR1.</p> <p>2. The activity and any associated equipment, materials or debris shall not obstruct or alter the passage of water in a manner that causes:</p> <p>(a) any increase in the risk or potential for flooding of surrounding lands;</p> <p>(b) any destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structures within the bed of a lake or river;</p> <p>(c) any increase in erosion of the river or lake bed; or</p> <p>(d) drainage of the bed.</p> <p>3. No vegetation used for flood control, or bank stabilisation shall be disturbed, removed, damaged or destroyed except by or on behalf of the person or agency responsible for maintaining that vegetation for flood control purposes.</p> <p>4. The activity shall not restrict access to flood control structures or flood control vegetation for the purposes of their repair or maintenance.</p> <p>5. The activity shall not obstruct the passage of fish both upstream and downstream, or be undertaken within any significant salmon spawning sites listed in Schedule WQN14.</p> <p>6. A discharge of sediment into water shall not:</p> <p>(a) for more than a total of 60 minutes in any consecutive 24 hour period:</p> <p>(i) change the colour by more than five Munsell Units; or</p> <p>(ii) decrease the clarity by more than 20 percent; or</p> <p>(b) increase the embeddedness of the bed substrate by more than ten percent.</p>
		<p>Rule BLR6 Activities in natural state or high naturalness areas–permitted activity</p> <p>The:</p> <p>1. erection, reconstruction, placement, alteration, extension, removal or demolition of any structure or part of any structure;</p> <p>2. introduction or planting of any plant or any part of any plant; or</p> <p>3. disturbance, removal or damage to any plant or part of any plant (whether exotic or indigenous); in, on, over or under the bed of any natural state or high naturalness water bodies, listed in schedule WQN5;</p> <p>is:</p> <p>(a) a permitted activity provided the activity complies with all the conditions of this rule.</p> <p>(b) a discretionary activity where any conditions are not complied with, in which case the activity requires resource consent under rule BLR8.</p>
	Conditions	<p>1. The activity shall be:</p> <p>(a) any erection or placement of a fence for the purpose of stock control or any regulatory or advisory signs erected by or on behalf of the land occupier, local authority or government agency;</p> <p>(b) any placement of an anchor (rock or tree) necessary for the erection or placement of flood protection planting;</p>

		<p>(c) any walkway, pathway, footbridge or stile to provide public access;</p> <p>(d) any erection or placement of a bridge or culvert crossing for the purpose of stock crossing;</p> <p>(e) the planting of indigenous plant species that naturally occur in the catchment or;</p> <p>(f) The erection or placement of a hydrological measuring station; or</p> <p>(g) The disturbance, removal, damage or destroying of any plant or part of any plant species listed in Schedule BLR1.</p> <p>2. For culvert crossings or bridges with abutments in the bed, the width of the bed at the point of crossing shall be less than 5 metres wide.</p> <p>3. Any bridge shall not have piers or abutments within the bed and the soffit of any bridge shall be 600 millimetres above the level of fullest flow.</p> <p>4. The activity or any associated equipment, materials or debris shall not obstruct or alter the passage of water or bed material in a manner that causes:</p> <p>(a) any increase in the risk or potential for flooding of surrounding lands;</p> <p>(b) any destabilising of lawfully established flood control structures or flood control vegetation or any other lawfully established structures within the bed of a lake or river;</p> <p>(c) any increase in erosion of the river or lake bed; or</p> <p>(d) drainage of the bed.</p> <p>5. The activity shall not destabilise flood control vegetation.</p> <p>6. The activity shall not restrict access to flood control structures or flood control vegetation for the purposes of their repair or maintenance.</p> <p>7. The activity shall not obstruct the passage of fish both upstream and downstream, or be undertaken within any significant salmon spawning sites listed in Schedule WQN14.</p> <p>8. A discharge of sediment into water shall not:</p> <p>(a) for more than a total of 60 minutes in any consecutive 24 hour period:</p> <p>(i) change the colour by more than five Munsell Units; or</p> <p>(ii) decrease the clarity by more than 20 percent; or</p> <p>(b) increase the embeddedness of the bed substrate by more than ten percent.</p> <p>9. The activity and any associated equipment, materials or debris shall not obstruct or alter the navigation of the bed or water body in a manner that causes injury to any person.</p> <p>10. Upon completion of the activity:</p> <p>(a) any reject, surplus or unused bed material stored in the bed shall be spread out;</p> <p>(b) any excavated areas shall be left with battered slopes not exceeding a 3:1 slope angle (3 horizontal to 1 vertical) and any flow channels disturbed during the activity shall be reinstated; and</p> <p>(c) any equipment and temporary structures associated with the activity shall be removed from the bed.</p>
	Rule BLR7 Land use activities within 7.5 metres of the bed or	<p>The use of land within 7.5 metres of the bed of a lake or river, or any flood protection structure is:</p> <p>(a) a permitted activity provided the activity complies with all the conditions of this rule;</p> <p>(b) a prohibited activity where condition (5) is not complied with for which no consent</p>

	flood protection structures – permitted activity	can be applied for under Rule BLR9; or (c) a discretionary activity where any other condition is not complied with, in which case the activity requires resource consent under Rule BLR8.
	Rule BLR8 Structures, excavating, disturbance, planting, deposition, reclamation or drainage - discretionary activities	Any: (a) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure; (b) excavating, drilling, tunnelling; (c) introduction or planting of any plant or any part of any plant (whether exotic or indigenous); (d) depositing of any substance; (including industrial, commercial or residential rubbish); (e) reclamation or drainage; or (f) disturbance, removal or damage to any plant or part of any plant (whether exotic or indigenous), in, on, over or under the bed of any lake or river that is not classified as a permitted activity, a restricted discretionary activity or a prohibited activity in this chapter is a discretionary activity .
	Rule BLR9 Introduction or planting of plant pests – prohibited activity	The introduction or planting of any plant or part of any of the plant identified within Schedule BLR1 in, on or under the bed of a lake or river is a prohibited activity for which no resource consent will be granted.

Otago Regional Council
Otago Regional Water Plan
Status: Operative: 1 January 2004

Activity	Rule	Summary
		Regional Plan: Water
13.6 The introduction or planting of vegetation	13.6.2.1	<p>No specific rules on planting of forestry in riparian areas. The rule below only relates to actually planting in the riverbed.</p> <p>Permitted activities: No resource consent required The introduction or planting of any plant to or on the bed of any lake or river for the purpose of remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, or to restore or enhance habitat, is a permitted activity providing: (a) Crack Willow <i>Salix fragilis</i> or Grey Willow <i>Salix cinerea</i> is not introduced to an area where it does not currently exist; and (b) The plant is not any pest plant listed in the Pest Management Strategy for Otago 2001; and (c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the introduction or planting, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 metres downstream of the introduction or planting; and (d) The introduction or planting does not cause any flooding or erosion; and (e) The site is left tidy following the introduction or planting.</p>



	13.6.3.1	Discretionary activities: Resource consent required Except as provided for by Rules 13.6.1.1 and 13.6.2.1, the introduction or planting of vegetation to the bed of any lake or river is a discretionary activity.
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Southland Regional Council

Proposed Freshwater Plan for Southland

Status: Operative in part

Activity	Rule	Summary
Vegetation planting	Rule 44, page 6, Bed Disturbance Rules	Rule 44 - Vegetation planting The introduction or planting of any plant, or part of any plant, in the bed of any lake, river, modified watercourse or stream is a restricted discretionary activity. The Council will restrict its discretion to the following matters: (i) the location of the planting; (ii) the species of plant; (iii) any effects on flood risk, river morphology and dynamics (including erosion or deposition), and aquatic and riverine ecosystems and habitat; (iv) the standard conditions in Rule 48. No other specific rules relating to riparian disturbance in the Proposed Water plan. No other plans were considered relevant to Forestry, as they related to solid waste, Effluent to land, Air Quality, and the Regional Coastal plan.

UNITARY AUTHORITIES

Gisborne District Council

Gisborne Combined Regional Land and District Plan

Status: Operative in part: 31 January 2006

Gisborne Discharges to Land and Water Plan

Status: Proposed, notified: 1 November 1997

Activity	Rule	Summary
	4.10 RIPARIAN MANAGEMENT AREA OVERLAY (not mapped)	Permitted: 4.10.1.5 Vegetation clearance <i>Provided that:</i> a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or b) The clearance is by grazing; or c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or d) The clearance is harvesting of agricultural and horticultural crops; or e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or f) The clearance is land preparation by discing, ploughing or ripping; or g) The clearance is hand clearing for fencelines or for restoration of riparian management areas, and is surficial, and not more than 4m total width;
		Permitted: 4.10.1.6 Disturbance or destruction of the vegetation

		<p>understorey to first rotation plantation forest 4.10.1.7 Subject to rule 4.10.1.6, vegetation disturbance incidental to permitted or otherwise authorised plantation forest vegetation clearance</p> <p><i>Provided that:</i></p> <p>a) The disturbance or damage is temporary, does not destroy the vegetation, and does not compromise the ecological functioning of the area.</p> <p>4.10.1.8 Clearance of vegetation and land disturbance associated with establishing access to a river crossing point</p> <p><i>Provided that:</i></p> <p>1. The activity does not affect more than 4.5 metres per contiguous 100 metres of riparian management area frontage, and</p> <p>2. The access does not exceed 4.5 metres in width</p>
	4.10.3 Restricted Discretionary Activities	<p>4.10.3.2 Land disturbance</p> <p><i>Provided that:</i></p> <p>1. The activity exposes or disturbs more than 10m² of earth per contiguous 100m of Riparian Management Area and/or exposes or disturbs more than 10m² of earth over any 24 month period.</p>
		<p>4.10.3.4 The planting of 2nd rotation plantation forest species within a Riparian Management Area</p> <p><i>Provided that:</i></p> <p>1. the planting occurs after the Plan becomes operative.</p> <p>2. the planting is not a requirement of a consent.</p> <p>For the purposes of s30 of the Act, Council shall restrict its discretion to the matters a) – i) specified below:</p> <p>a) The timing and duration of the activity</p> <p>b) The area and location of the activity</p> <p>c) Any non-plantation forest vegetation that is to be retained</p> <p>d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape.</p> <p>e) Effects on water quality of any waterbodies (from sediment, for example).</p> <p>f) Effects of changed shading on aquatic habitat from non-plantation forest vegetation.</p> <p>g) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors.</p> <p>h) Methods necessary to avoid, remedy or mitigate stream bank erosion.</p> <p>i) Financial contributions, works and services.</p>
		<p>6.7.1.6 Vegetation clearance</p> <p><i>Provided that:</i></p> <p>1. The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or</p> <p>2. The clearance is by grazing; or</p> <p>3. The clearance is harvesting of agricultural and horticultural crops; or</p> <p>4. The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or</p> <p>5. The clearance is land preparation such as discing, ploughing or ripping; or</p> <p>6. The clearance is hand clearing for fencelines; or</p> <p>7. The clearance is by line cutting; or</p> <p>8. The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or</p> <p>9. The clearance is of the indigenous under-storey to</p>

		plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.
	7.7 Permitted Activities (Regional Rules)	<p>7.7.4 Disturbance removal, damage or destruction to any plant, or part of any plant (whether exotic or indigenous) in, on, or under the bed of any lake or river</p> <p><i>Provided that:</i></p> <p>a) No vegetation, slash, soil or other debris shall be:</p> <p>1) Directly deposited in, on or under the bed of a lake or river, or deposited into a position where it can readily enter or be carried into a permanently flowing river or lake.</p> <p>2) Left in a position described by 1) above, where the vegetation exceeds:</p> <p>i. 100mm diameter and 3m in length; or</p> <p>ii. 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction; or</p> <p>b) The activity is for the purposes of control of any plant pest which is included within the Gisborne Regional Pest Management Strategy; or</p> <p>c) The activity is for the purposes of customary harvest by tangata whenua; or</p> <p>d) The activity is for the purposes of control of natural hazards and:</p> <p>i) the area to be cleared does not exceed 100m² per contiguous 100m of the bed and/or;</p> <p>ii) clearance does not exceed 100m² over any 24 month period;</p> <p>iii) the area to be cleared does not include any indigenous vegetation which lies within Protection Management Areas, Outstanding Landscape Areas, or the Coastal Environment or</p> <p>e) The activity is not the clearance and maintenance of drains subject to 7.7.13</p>
		<p>7.7.5 Introduction or planting of any plant or part of any plant (whether exotic or indigenous) in, on or under the 'banks' of lakes, or rivers</p> <p><i>Provided that:</i></p> <p>a) It is for the purposes of soil conservation or the avoidance or mitigation of natural hazards;</p> <p>b) Introduction or planting does not include:</p> <p>i) the introduction or planting of any plant or part of any plant pest which is included within the Gisborne Regional Pest Management Strategy;</p> <p>ii) <i>Salix viminalis</i> (an osier type willow);</p> <p>iii) the introduction or planting of any trees or shrubs into any engineering flood or erosion control structure or works.</p>

Tasman District Council

Tasman District Council Regional Plan (Land)

Status: Operative: 30 June 1998

Tasman Resource Management Plan

Status: Operative in part: 1 November 2008

Activity	Rule	Summary
	18.5.2.1 Permitted Activities (Land Disturbance)	<p>Earthworks</p> <p>(i) No earthworks involving the placement or removal of soil or debris are undertaken within:</p> <p>(i) 50 metres of the coastal marine area adjacent to the</p>

		<p>Whanganui Inlet;</p> <p>(ii) 10 metres of the bed of any lake.</p> <p>(j) No earthworks involving the placement or removal of soil or debris is undertaken:</p> <p>(i) on land with a predominant slope of less than 20 degrees from horizontal that is within 10 metres of any bed of a river or stream greater than 3 metres average bed width; or</p> <p>(ii) on land with a predominant slope of 20 degrees or more from horizontal that is within 20 metres of any bed of a river or stream greater than 3 metres average bed width;</p> <p>except where it is for:</p> <p>(iii) the formation, construction, reconstruction, or removal of any road, track, firebreak, fence line, survey line, or utility service line for the sole purpose of crossing the river or stream;</p> <p>or</p> <p>(iv) the maintenance of any existing linear facility specified in (iii) above.</p> <p>(k) [(ia) Proposed]</p> <p>No earthworks are undertaken within 200 metres of the coastal marine area, that is:</p> <p>(i) more than 1000 square metres in area, within any 12-month period; and either</p> <p>(ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or</p> <p>(iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25.1F.</p> <p>C3 12/03</p> <p>(l) [(ib) Proposed]</p> <p>No earthworks are undertaken within 200 metres of the coastal marine area that changes by excavation or deposition the height of any ridgeline or cliffline identified on the planning maps.</p> <p>(m) Earthworks, where the amount of material excavated is greater than 50 cubic metres, and extending below the water table, are not undertaken:</p> <p>(i) within 20 metres of the bank of any river or stream; and</p> <p>(ii) within 20 metres of the toe of any stopbank; and</p> <p>(iii) within any flood plain.</p>
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Marlborough District Council

Marlborough Wairau Awatere Resource Management Plan

Status: Proposed, notified: 6 November 1997

Marlborough Resource Management Plan Land Disturbance Control

Status: Operative: 20 April 1995

Activity	Rule	Summary
		<u>Marlborough Sounds Resource Management Plan</u>
	Conditions for Permitted Activities	<p>36.1.5.2 Cultivation 36.1.5.2.1 Contour Cultivation</p> <p>Cultivation is to be parallel to the contour of the land, with the exception that on lands of slope greater than 20°, up to 15% of the cultivated area may be cultivated at an angle to the contour, and trenching or cable laying may be carried out at an angle to the contour. 36.1.5.2.2 Riparian Management Zones</p>

		<p>No cultivation is to take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three Maps, except trenching for cable laying and post holes for utility line support structures.</p> <p>36.1.5.2.3 Revegetation The vegetation cover of a cultivation site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.</p>
		<p>36.1.5.3 Excavation and Filling 36.1.5.3.1 Gradients</p> <p>The gradient of any side cut excavation must not exceed an average of 9.5° 1:6) and must not exceed 11.3° (1:5) along any length of more than 20 metres. 36.1.5.3.2 Water Control and Culverts</p> <p>Stormwater controls, water tables cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation. 10 April 2006 Chapter 36 - Rural Zones One and Two 36 - 7 36.1.5.3.3 Stabilisation</p> <p>Batters and side castings are to be stabilised by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation. 36.1.5.3.4 Run-of</p> <p>Run-off from water tables or surfaces of side cut excavations is to be directed to stable land areas. 36.1.5.3.5 Crossings</p> <p>River crossings are to be stable and maintained as suitable for fish passage in fish bearing stretches of the river. 36.1.5.3.6 Riparian Areas</p> <p>Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance cannot be complied with. 36.1.5.3.7 Slope</p> <p>Any excavation or filling on land greater than 20° and less than 35° slope, provided the activity complies with Rules 36.1.5.3.1 to 36.1.5.3.6 above and not more than 1,000m³ may be excavated/filled in any two year period. 36.1.5.3.8 Backfilling</p> <p>All earth not required to be placed in a trench shall be removed from the land disturbance site, and placed in a stable location. Where a resource consent is required for placement of the fill, this shall be obtained prior to the start of work.</p>
		<p>36.1.5.4 Vegetation Clearance 36.1.5.4.1 Vegetation clearance is a Permitted Activity provided that:</p> <p>c) The proposed vegetation clearance site is not within any Riparian Management Zone specified in Appendix I of Volume Two and the ecology maps in Volume Three of the Plan; and</p>

		<p>36.1.5.4.2 Riparian Management Zone Woody vegetation, Sedges (<i>Carex</i> spp.), Native Toe Toe (<i>Cortaderia</i> spp.), and Flax (<i>Phormium</i> spp.), shall not be removed by chemical, fire or mechanical means within any riparian management zones as specified in Appendix I and Ecology Maps in Volume Three.</p> <p>Exceptions to this rule are:</p> <p>a) Existing plantations of commercial forest; or</p> <p>b) Other exotic trees occupying less than 100 metres per kilometre of legal riparian boundary; or</p> <p>c) Plant pests (including those listed in regional or national pest management strategies); or</p> <p>d) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.</p>
		<p>36.1.5.4.3 Where vegetation clearance has been undertaken in accordance with Rule 36.1.5.4.2 (a) - (d) above, the following conditions must be met:</p> <p>(i) Any trees that can be felled as specified above shall be directionally felled away from the waterbody, except wood vegetation leaning over a waterbody, which may be felled in accordance with safety practices;</p> <p>(ii) Except as above no logs may be dragged through the bed of any flowing river, or through any lake or wetland;</p> <p>(iii) The vegetation clearance site shall be revegetated within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to vegetation clearance taking place;</p> <p>(iv) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site.</p>
	36.2 Controlled Activities	Cultivation of riparian management zones on slopes of 0° -20° as specified in Appendix I and the Ecology Maps in Volume Three.
	36.3 Limited Discretion ary Activities	<p>Activities within Riparian Management Zones as specified in Appendix I and Ecology Maps in Volume Three;</p> <p>Establishment or replanting of commercial forestry;</p> <ul style="list-style-type: none"> • Vegetation clearance except for commercial forestry trees and plant pests, including those listed in the Regional or National Pest Management Strategies; • Excavation and filling; • Cultivation of swales and cultivation of slopes over 20°.
	36.1.7.9.2. 2	<p>ody vegetation, Sedges (<i>Carex</i> spp.), Native Toe Toe (<i>Cortaderia</i> spp.), and Flax (<i>Phormium</i> spp.), shall not be removed by chemical means within riparian management zones as specified in Appendix I and ecology maps in Volume Three.</p> <p>The exceptions to this rule are:</p> <p>a) Existing plantations of commercial forestry trees;</p>

		<p>b) Other exotic trees occupying less than 100 metres length per kilometre of legal riparian boundary;</p> <p>c) Plant pests (including those listed in regional or national pest management strategies);</p> <p>d) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.</p>
		<u>Marlborough Wairau/Awatere Resource Management Plan</u>
	30.3 Limited Discretion ary Activities	Commercial forestry within 200 metres of the mean high water mark.
		<p>30.1.6.1 Indigenous Vegetation Clearance</p> <p>30.1.6.1.1 The clearance of indigenous vegetation from a wetland less than 200m² in area, is a Permitted Activity.</p>
		<p>30.1.7.1 Vegetation Clearance</p> <p>30.1.7.1.1 Subject to Rule 30.1.6.1. above the clearance by hand or mechanical means is a Permitted Activity provided that: Blading or root-raking by bulldozer shall not be used to clear vegetation on slopes of more than 20°.</p> <p>30.1.7.1.2 Woody vegetation (except for plantation trees and noxious plants under the Noxious Plants Act) shall not be removed by chemical, fire or mechanical means within 8 metres of any permanently flowing river, or any lake, wetland or the sea.</p> <p>30.1.7.1.3 Plantation trees within 8 metres of any permanently flowing river, or the margin of any wetland, lake or the coast shall be directionally felled away from the water body, except plantation trees leaning over a water body, which may be felled in accordance with safety practices.</p> <p>30.1.7.1.4 Except as above no logs may be dragged through the bed of any flowing river, or through any lake or wetland.</p> <p>30.1.7.1.5 Except for direct approaches to bridges, crossings and fords, no heavy machinery may be operated for the purpose of vegetation clearance within 8 metres of any permanently flowing river, or the margin of any wetland, lake or the coast.</p>
		<p>30.1.7.2 Cultivation</p> <p>The cultivation of land is a Permitted Activity provided that:</p> <p>30.1.7.2.1 On all slopes greater than 20° cultivation is to be parallel to the contour of the land with the exception that up to 15% of the cultivated area may be cultivated at an angle to the contour. Trenching for cable laying may be carried out at an angle to the contour on slopes greater than 20° and any earth not required to be placed back in the trench shall be placed in a stable location.</p>

		<p>30.1.7.2.2 Except for trenching for cabling laying, no cultivation is to take place within 8 metres of any permanently flowing river, or any lake, wetland or the sea on land greater than 10° slope or within 3 metres of any permanently flowing river, or any lake, wetland or the sea on land of less than or equal to 10° slope.</p>
		<p>30.1.7.3 Excavation and Tracking</p> <p>The excavation of land is a Permitted Activity provided that:</p> <p>30.1.7.3.1 Except for direct approaches to bridges, crossings and fords, no excavation may take place within 8 metres of any permanently flowing river or lake or wetland or the sea.</p> <p>30.1.7.3.2 No excavation may take place within 8 metres of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.</p>

Nelson City Council

Nelson City Resource Management Plan

Status: Operative in part: 1 September 2004

Activity	Rule	Summary
	<p>RUr.25 Vegetation clearance (other than indigenous forest)</p>	<p>RUr.25.1</p> <p>Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>b) it does not take place within 20m of the Coastal Marine Area, except for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest.</p>
	<p>RUr.26 Soil Disturbance</p>	<p>RUr.26.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either - the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <p>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</p>

		<p>ii) maintaining a state highway, road, track or landing, or</p> <p>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity</p> <p>b) Soil disturbance does not take place within 5m of the banks of any river included in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for:</p> <p>i) the purpose of maintaining State Highways, or</p> <p>ii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity</p> <p>iii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, and</p> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>
	RUr.58 Riparian Overlay Activities on land identified with riparian values	<p>RUr.58.1</p> <p>On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values), the following are not permitted within the distance set out in the Esplanade Requirements column:</p> <p>a) erection or extension of any structure (excluding a fence), or</p> <p>b) adverse effects on indigenous vegetation, or</p> <p>c) disturbance to river banks.</p>
		<p>RUr.58.2</p> <p>On land located within a Riparian Overlay listed in Table 6.2 of Appendix 6</p> <p>a) extension of an existing structure or utility service line or structure, or</p> <p>b) erection of a single storey non habitable building of less than 40m² total floor area are controlled.</p>
		<p>RUr.58.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
	FWr.1 Disturb- ance	<p>FWr1.1</p> <p>a) The disturbance of beds associated with:</p> <p>i) the removal of vegetation and flood debris which has been</p>

	<p>of river and lake beds, and wetlands [note that this rule is a regional rule]</p>	<p>deposited into or on the bed, including trees, or ii) the removal of pest plants and litter is permitted. b) The disturbance of the beds of rivers and lakes, and wetlands, for the purpose of: - restoration or enhancement of natural in-stream or out-of-stream values, including fish passage, or - cleaning of discharge outlets and energy dissipaters, or - the use of vehicles in river beds (does not apply to vehicle crossings – see rule FWr.2) associated with lawfully established activities is permitted if the following general conditions are met. General conditions i) the activity: - shall not affect sediment levels or vegetation in all lower tidal reaches of waterbodies during the main spawning period of inanga (15 March to 31 May), and - shall not be carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of koaro and kokopu species spawning habitat, unless ambient levels of sediment are returned within 48 hours of construction commencing within the waterbody, and - shall not be carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoa, Wakapuaka, Lud and Teal rivers and Poorman Stream, and ii) there shall be no storage, mixing or refuelling of fuel, oil, paints, agrichemicals or other similar substances within the bed or within 5m of the banks of any flowing river, or any wetland, and iii) any activity associated with bed disturbance shall not, after reasonable mixing, give rise to any of the following effects in the receiving waters: - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or - any conspicuous change of colour or visual clarity, or - any emission of objectionable odour, or - any significant adverse effects on aquatic life, and iv) the use of vehicles and machinery in the wetted bed shall be avoided where possible, and v) fish passage shall be maintained, both during construction and afterwards, and vi) any riparian areas which are disturbed are rehabilitated to the same state or better than that which existed prior to the disturbance, except for the direct approaches to the crossing, and vii) the bed disturbance activity shall not impede legal right to foot access to and along the waterbody, where it exists, unless public notice has been given in accordance with a health and safety plan.</p>
		<p>Controlled FWr.1.2 1. The disturbance of the bed of a river for the purpose of maintaining: a) peak flow capacity, or b) surrounding land stability, or c) public safety is a controlled activity if: i) the general conditions in Rule FWr.1.1 are met, and ii) any plantings are of native species or exotic species suitable to</p>

Extract from Annex J – Mechanical land cultivation (tilling)

Greater Wellington Regional Council

Regional Freshwater Plan for the Wellington Region

Status: Operative: 17 December 1999

Regional Plan for Discharges to Land for the Wellington Region

Status: Operative: 17 December 1999

Regional Soil Plan for the Wellington Region

Status: Operative: 9 October 2000

Activity	Rule	Summary
		Regional Freshwater Plan for the Wellington Region
		Regional Plan for Discharges to land for the wellington Region
		Regional Soil Plan for the Wellington region
		Rule 2 Soil disturbance on erosion prone land Any soil disturbance on erosion prone land that: (1) involves the disturbance of greater than or equal to 1,000 m3 of soil, within any 10,000 m2 area (calculated using a minimum width of 10 m) and within any continuous 12 month period; or (2) involves root raking over an area greater than 10,000 m2 in any continuous 12 month period; excluding any soil disturbance; (a) associated with roading and tracking activities, or (b) undertaken in accordance with conditions on a subdivision consent; is a Restricted Discretionary Activity.

West Coast Regional Council

West Coast Discharges to Land

Status: Operative: 12 April 2002

West Coast Regional Land and Riverbed Management Plan

Status: Proposed, Notified: 29 November 2002

West Coast Regional Water Management Plan

Status: Proposed, Notified 30 March 2004

Activity	Rule	Summary
Humping and Hollowing, Flipping, or V Blading Outside of Riparian Margins	6.1.1	Permitted Activities on land 6.1.1.1 Humping and Hollowing, Flipping, or V Blading in the Non-Erosion Prone Area (less than 120 slope) outside of riparian margins are permitted activities if all of the following conditions are met: (a) (1) For Humping & Hollowing and Flipping, the area of the activity does not exceed 5 Hectares per landholding in any continuous 12 month period; and (2) For V-blading either: (i) The land area for new works does not exceed 10 Hectares per landholding in any 12 month period; or (ii) The activity is undertaken on land that has previously been Vbladed ; 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