18.5 LAND DISTURBANCE AREAS

Refer to Policy sets 9.1, 9.2, 12.1, 13.1

18.5.1 Scope of Section [18.6.1 Proposed]

Proposed as at 1 November 2008 **C3 12/03**

This section deals with land uses in Land Disturbance Area 1 and Land Disturbance Area 2. Land Disturbance Area 1 comprises all dry land in Tasman District outside Land Disturbance Area 2. Dry land excludes the coastal marine area and the beds of rivers and lakes. Land Disturbance Area 2 is shown on the planning maps and also covers only dry land. Where any part of Land Disturbance Area 2 is also subject to the Slope Instability Risk Area, then in respect of any earthwork, only rules 18.12.3.1, 18.12.3.2 and 18.12.3.3 are applicable and rules 18.5.3.2 and 18.5.3.3 do not apply.

Information required with resource consent applications is detailed in Chapter 19 *(refer, in particular, to 19.2.9, 19.2.10 and 19.2.18)*.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may apply to some land disturbance activities. The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and impose additional standards, matters for assessment and criteria.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

18.5.2 Land Disturbance Area 1

18.5.2.1 Permitted Activities (Land Disturbance)

NOTE: Rule 18.5.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of vegetation, soil disturbance, or earthworks is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

All Land Disturbance

(a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:

(i) the diversion or damming of any river or stream;

(ii) the erosion of the bed of any river or stream.

(b) All disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rules 36.2.2.3 and 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include, but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts, and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

(c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.

(d) The destruction or removal of vegetation or soil disturbance by rootraking takes place only on land with a predominant slope less than 25 degrees from horizontal.

(e) The destruction or removal of vegetation or soil disturbance by blading takes place only on land with a predominant slope less than 25 degrees from horizontal or is for the sole purpose of maintaining a track or firebreak.

(f) The activity does not destroy or remove vegetation or earthworks that were established for the purpose of soil conservation by or with subsidy from the Council or any former authority.

Destruction or Removal of Indigenous Vegetation

(g) No destruction or removal of indigenous vegetation is undertaken within:

(i) 15 metres of the bed of any river or stream greater than 3 metres average bed width except where it is:

(a) up to 20 metres along the margin of the river or stream in connection with earthworks permitted under condition (h); or

(b) incidental to the removal of any exotic tree or other exotic plant; or

(c) in association with the maintenance of any overhead utility service line;

(ii) 15 metres of the bed of any lake;

(iii) 20 metres of the coastal marine area adjacent to the Whanganui Inlet.

Advice Note: Clause (g)(iii) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.

Earthworks

(h) No earthworks involving the placement or removal of soil or debris are undertaken within:

(i) 50 metres of the coastal marine area adjacent to the Whanganui Inlet;

Advice Note: Clause (h)(i) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.

(ii) 10 metres of the bed of any lake.

(i) In the Richmond West Development Area, no earthworks are undertaken within 20 metres of the centreline of the electricity transmission lines shown on the planning maps that: **C10 10/07 Op 3/14**

(i) are not set back from a pole or stay wire of an overhead line by:

(a) 2.2 metres if greater in depth than 300 millimetres, or

(b) 5.0 metres if greater in depth than 750 millimetres;

(ii) create an unstable batter;

(iii) raise the ground level so as to reduce the vertical distance from the ground to the transmission line by:

(a) less than 6.5 metres vertically

(b) 3 metres in any direction other than vertical.

C10 10/07
Op 3/14

(j) In the Richmond East Development Area, no earthworks are undertaken within 32 metres of the centreline of the electricity transmission lines shown on the planning maps that:

C 20 8/10
Op 8/12

(i) are not set back from a pole or stay wire of an overhead line by:

(a) 2.2 metres if greater in depth than 300 millimetres; or

(b) 5.0 metres if greater in depth than 750 millimetres; or

(ii) are at a greater depth than 300 millimetres within 6 metres of the outer visible edge of a tower support structure; or

(iii) are at a greater depth than 3 metres between 6 metres and 12 metres of the outer visible edge of a tower support structure; or

(iv) create an unstable batter; or

(v) raise the ground level so as to reduce the vertical distance from the ground to the transmission line.

Exceptions:

(1) Earthworks undertaken by network utility operators.

(2) Clauses (i)(a) and (b) of this condition do not apply to vertical holes unless they exceed 500 millimetres in diameter, within 1.5 metres of a pole.

(3) Normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

Advice Note: Conditions (i) and (j) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

(k) No earthworks involving the placement or removal of soil or debris is undertaken:

(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

(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;

except where it is for:

(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; or

(iv) the maintenance of any existing linear facility specified in (iii) above.

Proposed as at 1 November 2008

C3 12/03

(l) No earthworks are undertaken within 200 metres of the coastal marine area, that is:

(i) more than 1000 square metres in area, within any 12-month period; and

either

(ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or

(iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.

(m) 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.

Advice Note: Conditions (l) and (m) prevail over the NES-PF because they are more stringent under regulation 6(1)(b) and 6(2)(a) NES-PF.

(n) Earthworks, where the amount of material excavated is greater than 50 cubic metres, and extending below the water table, are not undertaken:

(i) within 20 metres of the bank of any river or stream; and

(ii) within 20 metres of the toe of any stopbank; and

(iii) within any flood plain.

Quarrying

(o) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

Advice Note: Condition (o) does not apply to forestry quarrying which is managed by NES-PF regulations 51- 59.

Cultivation

(p) Any cultivation is carried out predominantly on the contour.

Recontouring

(q) Any cut batter, excavation, or infilling associated with recontouring of land is no more than 1 metre in height or depth and is no more than 1 hectare, within any 12-month period, except that: **C22 2/11 Op 1/15**

(i) there is no filling below the 4.6 metre contour in the Rural 1 Closed Zone and the Rural 1 Coastal Zone, both at Mapua and at the Tourist Services Zone at Mapua;

(ii) there is no filling in the Residential Closed Zone at Ruby Bay and the Residential Coastal Zone at Iwa Street, Mapua;

(iii) there is no filling in the Residential Coastal Zone at Tahi Street other than to create a building platform area; and

(iv) it is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated on the planning maps.

Road, Track, Firebreak, Landing, Fence Line, Survey Line, or Utility Service Line

(r) Where the activity is for the formation, construction or reconstruction of any road, track or firebreak on any area of land that is to be served by the road, track or firebreak, linear disturbance is less than 100 metres per hectare and the predominant slope of the land is less than 35 degrees from horizontal.

(s) Where the activity is associated with the formation, construction, reconstruction, or maintenance of any road, track, firebreak, landing, fence line, survey line or utility service line:

(i) formation surfaces with an inwards cross-fall are drained by a watertable;

(ii) cut-offs or culverts are constructed or installed so as to prevent scour, gullying or other erosion of the formed or constructed surface;

(iii) cut batters are excavated to a height and a cut slope that avoids batter failure;

(iv) fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal;

(v) areas of fill intended to carry loads are compacted;

(vi) trenches excavated for the purpose of installing utility service lines are backfilled and compacted, and is open for no more than 24 hours;

(vii) fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure;

(viii) spoil is disposed of by endhauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.

(t) Any earthworks for the installation or maintenance of a utility service line are no more than 0.6 metres in width.

(u) Maintenance of any road, track or firebreak retains substantially the same grade and width.

Flood Hazard

(v) The activity does not raise the level of any land to a point where it results or may result in the damming or diversion of floodwaters (except for the maintenance of any stopbank).

(w) The activity does not lower the level of any land to a point where it results in the land becoming subject to flooding.

Archaeological Sites

(x) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

Advice Note: Condition (x) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

18.5.2.2 Controlled Activities (Land Disturbance)

Any land disturbance for the formation, construction or reconstruction of any road, track or firebreak is a controlled activity, if it complies with the following conditions:

(a) On any area of land that is to be served by the road, track or firebreak:

(i) linear disturbance is less than 100 metres per hectare where the predominant slope of the land is greater than 35 degrees from horizontal;

(ii) linear disturbance is between 100 and 320 metres per hectare where the predominant slope of the land is between 25 and 35 degrees from horizontal.

Vegetation, Soil or Debris Disturbance

(b) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:

(i) the diversion or damming of any river or stream;

(ii) the erosion of the bed of any river or stream.

(c) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

(d) All areas of bare ground created by the disturbance are protected from soil erosion, by revegetation or any other method of protection, as soon as practicable and in no case later than 12 months from the date of disturbance.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.

(2) The disposal and stabilisation of waste material or fill.

(3) Loss of or damage to soil.

(4) Damage to riparian vegetation or soil.

(5) Damage to animal or plant communities or habitats in water bodies or coastal water.

(6) Effects of the activity on river or stream flows.

(7) Sedimentation effects on subsurface streams or caves in karst.

(8) Damage to any structures.

(9) The visual effects of the activity.

(10) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.

(11) Damage to any natural habitat or feature.

(12) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(13) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Non-Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

18.5.2.3 Controlled Activities (Recontouring of Land)

Recontouring of land that does not comply with the conditions of rule 18.5.2.1 is a controlled activity, if it complies with the following conditions:

(a) Conditions (b) and (d) in rule 18.5.2.2.

(b) It is not within the Coastal Risk Area or in the Residential Coastal Zone at Iwa Street, Mapua. **C22 2/11 Op 1/15**

(c) It is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated on the planning maps.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Matters (1) to (13) in rule 18.5.2.2.

(2) Effects on groundwater and flood plain stability.

Non-Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

18.5.2.4 Restricted Discretionary Activities (Quarrying)

Quarrying for gravel from berm land located between the stopbanks of the Waimea River or between the stopbanks of the Motueka River is a restricted discretionary activity, if it complies with the following conditions:

(a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:

(i) the diversion or damming of any river or stream;

(ii) the erosion of the bed of any river or stream.

(b) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

(c) Topsoil and subsoil are stripped and stockpiled separately.

(d) Traffic, vehicles or machinery do not travel over stockpiles.

(e) Topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters over which the Council has restricted its discretion:

(1) Matters (1) to (13) in rule 18.5.2.2.

(2) The extent, timing and duration of bare ground.

(3) The depth and area of excavation and effects on groundwater.

(4) Restoration of the site, including ground levels and planting.

(5) The machinery to be used and manner of excavation.

(6) The method of storage and replacement of topsoil, including methods to minimise compaction management and placement of stockpiles and spreading to minimise compaction.

(7) The method of storage and replacement of subsoil, including management of stockpiles.

(8) Types and quantity of introduced fill.

(9) Measures to ensure both surface and subsurface drainage is satisfactory for the site in question.

(10) Establishment and management of appropriate vegetation to ensure optimal rehabilitation.

(11) Measures to avoid or remedy damage caused by floods or inundation.

(12) Measures to avoid or mitigate adverse effects on adjacent land or water uses, including limiting hours of operation and measures to control noise, dust and traffic.

(13) Public access.

(14) Effects on groundwater and flood plain stability.

18.5.2.5 Restricted Discretionary Activities (Land Disturbance)

Any land disturbance that does not comply with the permitted conditions of rule 18.5.2.1 or with the controlled conditions of rules 18.5.2.2 and 18.5.2.3 is a restricted discretionary activity, if it complies with the following conditions:

Vegetation, Soil or Debris Disturbance

(a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:

(i) the diversion or damming of any river or stream;

(ii) the erosion of the bed of any river or stream.

(b) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

Quarrying

(c) In the case of quarrying:

(i) topsoil and subsoil are stripped and stockpiled separately;

(ii) traffic, vehicles or machinery do not travel over stockpiles;

(iii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

Earthworks within the Electricity Transmission Corridor

(d) In the Richmond West and Richmond East development areas, the extent to which earthworks: **C10 10/07 Op 3/14 C20 8/10 Op 8/12**

(i) comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP:34 2001); **C10 10/07 Op 3/14**

(ii) are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

All Activities

(1) The extent, timing, and duration of bare ground.

(2) The location, timing of construction, design and density of earthworks including roads, tracks or landings.

(3) The re-establishment of vegetation cover.

(4) The disposal and stabilisation of waste material or fill.

(5) Loss of or damage to soil.

(6) Damage to riparian vegetation or soil.

(7) Damage to animal or plant communities or habitats in water bodies or coastal water.

(8) Effects of the activity on river or stream flows.

(9) Sedimentation effects on subsurface streams or caves in karst.

(10) The potential for slope instability.

(11) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.

(12) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.

(13) Damage to any natural habitat or feature.

(14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(15) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Additional Matters for Land Disturbance Associated with Quarrying

(16) The depth and area of excavation and effects on groundwater.

(17) Restoration of the site, including ground levels and planting.

(18) The machinery to be used and manner of excavation.

(19) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.

(20) Types and quantities of introduced fill.

(21) Measures to ensure both surface and subsurface drainage is at least as good as that prior to mining or recontouring.

(22) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.

(23) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.

(24) Likely difficulty in avoiding adverse impact on the land's actual and potential productivity and versatility.

(25) The potential for increased hazard at the site or on adjacent land.

(26) Measures to avoid or mitigate adverse effects on adjacent land uses, including limiting hours of operation and measures to control noise and dust.

Additional Matters for Destruction or Removal of Indigenous Vegetation

(27) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.

(28) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.

(29) The contribution of the indigenous vegetation to the protection of other natural values.

(30) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

Proposed as at 1 November 2008 **C3 12/03**

Additional Matters for Earthworks within 200 metres of the Coastal Marine Area

(31) [(30) Proposed] Effects on the landscape character, natural character and amenity value of the locality, having regard to:

(a) natural features and distinctive natural landforms;

(b) landscape and seascape values;

(c) significant natural values;

(d) the nature of any existing development.

18.5.3 Land Disturbance Area 2

18.5.3.1 Permitted Activities (Destruction or Removal of Vegetation, or Soil Disturbance) [18.6.7 Proposed]

Advice Note: Rule 18.5.3.1 prevails over the NES-PF regulations 22-35, 50-61 and 72-75 because it is more stringent for land identified as Separation Point Granite soils under regulation 6(3)(a).

The destruction or removal of vegetation, soil disturbance or earthworks is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The activity is one of the following:

(i) any destruction or removal of vegetation by hand clearance or any chemical method;

(ii) any destruction or removal of vegetation by fire, on land, where the predominant slope is less than 20 degrees from horizontal;

(iii) any destruction or removal of vegetation or soil disturbance by cultivation, roller crushing, slash raking or cable hauling;

(iv) any destruction or removal of vegetation or soil disturbance by rootraking or blading where the predominant slope is less than 15 degrees from horizontal (except where blading is for the purpose of maintaining any track or firebreak).

(b) The activity is for one of the following:

(i) the formation, construction, reconstruction or maintenance of any road, track, landing, firebreak, fence line, survey line or site works for any subdivision or building, where any cut batter or excavation has an average vertical height or depth of less than 0.5 metres;

(ii) any utility service line where any cut batter or excavation has an average vertical height or depth less than 0.6 metres;

(iii) any utility service line for the express purpose of crossing a road or right-of-way where any excavation has an average vertical depth of less than 1 metre;

(iv) any excavation of a hole that is less than 0.6 metres in width.

Movement into Water

(c) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:

(i) diversion or damming of any river or stream;

(ii) erosion of the bed of any river of stream.w

(d) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

Cultivation

(e) Any cultivation is carried out predominantly on the contour.

Flood Hazard

(f) The activity does not raise the level of any land to a point where it results or may result in the damming or diversion of floodwaters (except for the maintenance of any stopbank).

(g) The activity does not lower the level of any land to a point where it results in the land becoming subject to flooding.

Destruction or Removal of Vegetation

(h) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than twelve months from the date of disturbance.

Destruction or Removal of Indigenous Vegetation

(i) No destruction or removal of indigenous vegetation is undertaken within:

(i) 15 metres of the bed of any river or stream greater than 3 metres average bed width except where it is:

(a) up to 20 metres along the margin of the river or stream in connection with earthworks permitted under condition (c); or

(b) incidental to the removal of an exotic tree or other exotic plant; or

(c) in association with the maintenance of any overhead utility service line;

(ii) 15 metres of the bed of any lake.

Proposed as at 1 November 2011 **C3 12/03**

Earthworks

(j) [(ia) Proposed] No earthworks is undertaken within 200 metres of the coastal marine area, that is:

(i) more than 1000 square metres in area, within any 12-month period; and either

(ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or

(iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.

(k) [(ib) Proposed] No earthworks is 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. **C3 12/03**

Advice Note: Conditions (j) and (k) also prevail over NES-PF Regulation 14(3)(b) and Regulation 78(2)(c) because they are more stringent under Regulation 6(1)(b).

Quarrying

(m) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

Road, Track, Landing, Firebreak, Fence Line, Survey Line

(n) Maintenance of any road, track or firebreak retains substantially the same grade and width.

(o) All formation surfaces with an inwards cross-fall are drained by a watertable.

(p) Cut-offs or culverts are installed so as to prevent scour, gullying or other erosion of the formed, constructed, reconstructed or maintained surface.

Utility Service Line

(q) Any trench excavated for a utility service line is backfilled and compacted, and is open for no more than 24 hours.

Archaeological Sites

(r) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

Advice Note: Condition (r) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

18.5.3.2 Controlled Activities (Earthworks) [18.6.9 Proposed]

Subject to subsection 18.5.1, any earthwork involving any cut batter or excavation with an average vertical height or depth between 0.5 and 2 metres is a controlled activity, if it complies with the following conditions:

Vegetation, Soil or Debris Disturbance

(a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:

(i) diversion or damming of any river or stream;

(ii) erosion of the bed of any river or stream;

(b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

(c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.

Road, Track, Landing, Firebreak, Fence Line or Survey Line

(d) All formation surfaces with an inwards cross-fall are drained by a watertable.

(e) Cut-offs or culverts are constructed or installed so as to prevent scour, gullying or other erosion of the formed, constructed, reconstructed or maintained surface.

(f) Fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal.

(g) All areas of fill intended to carry loads are compacted.

(h) Fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure.

(i) Spoil is disposed of by end-hauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.

Utility Service Line

(j) Any trench excavated for the purpose of installing a utility service line is backfilled and compacted and is open for no more than 24 hours.

Proposed as at 1 November 2008 **C3 12/03**

Earthworks

(k) No earthworks is undertaken within 200 metres of the coastal marine area, that is:

[(ia) Proposed]

(i) more than 1000 square metres in area within any 12-month period; and either

(ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or

(iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.

(l) [(ib) Proposed] No earthworks is 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.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.

(2) The disposal and stabilisation of waste material or fill.

(3) Loss of or damage to soil.

(4) Damage to riparian vegetation or soil.

(5) Damage to animal or plant communities in water bodies or coastal water.

(6) Effects of the activity on river or stream flows.

(7) Damage to any structures.

(8) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.

(9) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.

(10) Damage to any natural habitat or feature.

(11) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(12) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Non-Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

18.5.3.3 Restricted Discretionary Activities (Land Disturbance) [18.6.10 Proposed]

Subject to Scope of Section 18.5.1, any land disturbance that does not comply with the permitted conditions of rule 18.5.3.1 or the controlled conditions of rule 18.5.3.2 is a restricted discretionary activity, if it complies with the following conditions:

Vegetation, Soil or Debris Disturbance

(a) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:

(i) diversion or damming of any river or stream;

(ii) erosion of the bed of any river or stream.

(b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

(i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

(ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;

(iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(iv) any other measures appropriate to the nature and scale of the land disturbance.

Quarrying

(c) In the case of quarrying:

(i) topsoil and subsoil are stripped and stockpiled separately;

(ii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction;

(iii) traffic, vehicles or machinery do not travel over stockpiles.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

All Activities

(1) Extent, timing and duration of bare ground.

(2) Location, timing of construction, design and density of earthworks, including roads, tracks or landings.

(3) Re-establishment of vegetation cover.

(4) Disposal and stabilisation of waste material or fill.

(5) Loss of or damage to soil.

(6) Damage to riparian vegetation or soil.

(7) Damage to animal or plant communities in water bodies or coastal water.

(8) Effects of the activity on river or stream flows.

(9) The potential for slope instability.

(10) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.

(11) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.

(12) Damage to any natural habitat or feature.

(13) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(14) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Additional Matters for Land Disturbance Associated with Quarrying

(15) The depth and area of excavation and effects on groundwater.

(16) Restoration of the site, including ground levels and planting.

(17) The machinery to be used and manner of excavation.

(18) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.

(19) Types and quantities of introduced fill.

(20) Measures to ensure both surface and subsurface drainage is at least as good as that prior to quarrying or recontouring.

(21) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.

(22) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.

(23) Likely difficulty in avoiding adverse impact on the land's actual and potential productivity and versatility.

(24) The potential for increased hazard at the site or on adjacent land.

Additional Matters for Removal or Destruction of Indigenous Vegetation

(25) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.

(26) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.

(27) The contribution of the indigenous vegetation to the protection of other natural values.

(28) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

Proposed as at 1 November 2008 **C3 12/03**

Additional Matters for Earthworks within 200 metres of the Coastal Marine Area

(29) Effects on the landscape character, natural character and amenity value of the locality, having regard to:

(a) natural features and distinctive natural landforms;

(b) landscape and seascape values;

(c) significant natural values;

(d) the nature of any existing development.

18.5.20 Principal Reasons for Rules

Soil and Water Effects of Land Disturbance

Land disturbance can result in loss of soil through new or aggravated soil erosion or soil compaction. This may irreversibly damage the productive potential or stability of the soil resource. Movement of soil as sediment from areas or sites of land disturbance can contaminate fresh water and coastal water, with a variety of adverse effects on water quality and ecosystems. The Council wishes to ensure that the actual or potential soil damage or loss, or contamination caused by land disturbance activities, is avoided or limited through regulation.

Esplanade Reserve, Esplanade Strip or Riparian Vegetation

Riparian indigenous vegetation has an intrinsic natural value of its own. It also has associated landscape value and provides recreational and educational opportunities. It may positively contribute to improving the quality of water run-off through reducing or removing contaminants (dissolved or suspended), enhancing water quality by shading effects, and to the control of bank erosion. As several of these values may occur simultaneously, it is reasonable and justifiable for the Council to require a resource consent for the removal or destruction of riparian indigenous vegetation and to consider the need for esplanade reserves or strips. However, a range of routine activities with generally minor effects on riparian indigenous vegetation are not included in this requirement.

Revegetation of Bare Ground

This rule will ensure that adverse effects resulting from exposure of bare ground to erosive forces (such as rain and wind) is reduced.

Earthworks

Fresh water and coastal waters are particularly sensitive to effects arising from earthworks involving the placement or removal of soil or debris. Therefore, rules specifying minimum distances of earthworks from natural resources aim to avoid any actual or potential adverse effects to the natural resources resulting from earthworks.

Recontouring

Recontouring operations can result in erosion of exposed soil and sedimentation of water. The movement of soils during such operations can cause damage to the soil or result in the loss of valuable topsoil. These rules ensure that the adverse effects of recontouring can be reduced. Filling can block drainage paths and interfere with water storage. **C22 2/11 Op 1/15**

Activities which Raise the Level of the Land

Where there is an intention to raise flood-prone or inundation-prone land or to construct new stopbanks or upgrade existing ones, each situation needs to be considered on a case-by-case basis. **C22 2/11 Op 1/15**

Activities which Lower the Level of the Land

Where the possibility exists that flood-free land will be made flood prone, each situation requires case-by-case consideration and it would be too restrictive to impose a complete prohibition.

Quarrying

Quarrying activities can be carried out in a number of ways. Large-scale quarrying activities are complex operations requiring a high level of skill. There is considerable potential to damage the soil resource during such operations. There are also a variety of effects that require assessment, including visual effects.

Visual Effects

Quarrying and other extractive industries disturb vegetation and landforms on site. Spoil dumps, heaps of material and machinery disrupt the visual coherence of the landscape. Screening and restoration can help mitigate these visual effects. The St Arnaud Landscape Priority Area contains many glacial features that could be destroyed by excavation. It is quite small in extent and provides an important entrance to the Nelson Lakes National Park.

Gravel Extraction

There are potential sources of high quality aggregate from areas of less versatility and productivity where gravel extraction could be targeted. These areas include river berms, favourable locations in Moutere Gravel terrain and hard rock quarry sources.

Non-Notification Rules

The non-notification rules for controlled land disturbance provide an efficient means of dealing with specific activities having a generally limited range of soil loss or sediment generation risks. An administrative protocol has been developed and provides information to Council staff on considerations such as sensitive or significant water bodies potentially at risk.