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6.0 SOIL CONSERVATION

6.1 Introduction

Purpose

This chapter encompasses the regional land component of the Combined Plan. It is the statement of how Council will manage regional environmental effects, such as erosion caused by inappropriate land management practices and derives its purpose from Sections 65(1) and 30(1)(c) of the Act.

Use of Land

This chapter is written recognising the presumption of Section 9 of the Act that the use of land, apart from that in the beds of lakes and rivers is allowed unless it contravenes a rule in this Plan or any other GDC regional plan. If an activity does contravene a rule, it may still be allowed if a resource consent is gained.

How the chapter works

The chapter relies on the Urban and Rural Planning Maps. These maps show three land overlays broadly reflecting the land resource's varying susceptibility to erosion. The land overlays encompass the entire district.

The land overlays are developed from amalgamated units from the land use capability (LUC) assessment of the New Zealand Land Resource Inventory (NZLRI) Gisborne East Coast Region, Second Edition, June 1999. In the NZLRI the maximum erosion severity has been assessed for each LUC unit and this is based on the geology, soil type, steepness, climate and vegetation cover. The land overlays comprise the following LUC units:

Land Overlay 1	Classes I-IV and VIe1, 2, 3, 5, 7 and 8 inclusive
Land Overlay 2	Balance of Class VI
Land Overlay 3 (including 3A)	Classes VII & VIII (see 6.5.3 for detailed units).

The maps are used to, locate where the activity is to occur. This will fall into one of the land overlay areas. The Rules section of this chapter has sub-headings for each land overlay and within these are various thresholds of environmental effect for particular activities. *It must be noted that the beds of lakes and rivers, although usually covered by the land overlays are specifically excluded from the rules. In respect of lakes and rivers only the objectives, policies, methods and rules in Chapter 7 pertain.*

Issue Description

Erosion is the natural process of soil and rock wearing away and being moved through the landscape. Erosion includes sheet, wind, creep, slump, flow, rill, earthflow, gully, tunnel gully and stream erosion. In areas undisturbed by human activity, the rate of erosion is determined by geology and weather. Identification of erosion type depends on very long term records of climate and landform change. Terms such as 'normal', 'induced' and 'accelerated' erosion are in common use. Land uses, particularly those that reduce vegetation cover or disturb the soil can lead to a much faster rate of erosion. This is especially heightened in naturally unstable areas where even relatively minor landuse activities can have major impacts. Erosion that has been increased by human action is called induced or accelerated erosion and despite the voluntary erosion control efforts of many landowners and kaitiaki, this remains the major landuse issue in the district that also impacts on the district's waterways and coastal seabed and key assets such as roading. There are many individual issues under the terms 'induced' or 'accelerated' erosion. These include vegetation clearance, grazing and land disturbance such as earthworks and tracking. The effects of these activities are generally similar, as are the policy approaches by Council to manage the issues.

Soil degradation, particularly compaction from practices such as poor stock management or cultivation practices, results in long-term reduction in soil quality. This reduction diminishes the ability of future generations to access the life supporting qualities that the soils offer present generations. Soil conservation is the management of land to maintain New Zealand's soil and water resources to provide the widest range of sustainable benefits for the needs and aspirations of present and future generations, and includes:

- the maintenance of the productive potential of the nation's soil resources to retain sustainable land use options for present and future generations;
- the maintenance of catchments to provide high quality water resources for downstream users;
- land management practices that further enhance the protection of waterways from suspended sediments, nutrients, harmful micro-organisms and other pollutants; and
- the mitigation of the impacts of land related hazards including flooding, subsidence and erosion; and
- the maintenance of aesthetic, scientific, economic, social and cultural values related to land and water.

6.2 Issues

- 6.2.1 Induced erosion causing the loss of an essentially non-renewable resource.
- 6.2.2 Sediment and gravels from land disturbance, vegetation removal activities and lack of effective tree cover (ETC) have an adverse effect on the receiving environment. This includes effects on water quality, aquatic and wetland ecosystems, biodiversity and physical resources.
- 6.2.3 Soil degradation such as compaction, nutrient loss and diminished fertility caused by unsustainable land management practices.
- 6.2.4 Induced erosion, soil degradation and sediment causes loss of the ability of the natural resources to be used for economic, social and cultural benefits.

6.3 Objectives

1. Land uses and management practices that avoid, remedy or mitigate adverse effects on the environment including adverse effects on aquatic and wetland ecosystems, biodiversity and physical resources.
2. Rehabilitation of eroded land, and stabilisation of erosion prone land.
3. Reduction of land and asset degradation caused by poor land management systems.
4. Maintenance of the life supporting capacity of the soil.
5. Recognition of the relationship between tangata whenua and their ancestral lands in achieving ETC on Land Overlay 3A (LO3A) land.

Principal reason (1-4): The district's land (and other natural and physical resources) have to be sustainably managed so that the resources can meet the needs of future generations. This is a fundamental principle of the Act. However induced erosion is on such a large scale that present and future productivity of much of the land resource is threatened. Historically inappropriate land management systems are seen as the prime cause of the induced land degradation. Therefore it is critical that further degradation is prevented, natural degradation is minimised, and that the district takes positive steps toward land rehabilitation. These objectives also link to other chapters about natural heritage for riparian issues and subdivision for maintenance of the life supporting capacity of the soil.

Principal reason (5): This is a matter to be recognised and provided for, as a matter of national importance, in the Act.

6.4 Policies

1. To promote and encourage through education and advocacy, sustainable land management and soil conservation as an integral part of all landuse activities.
2. To ensure that, when land disturbance or vegetation clearance operations take place in environments susceptible to erosion, measures to achieve soil conservation and the avoidance, remediation or mitigation of adverse effects will be taken into account.
3. Regard to the following will be had when preparing plans or considering applications for plan changes or consents:
 - The sustainable management of the land resource;
 - The effects of the activity on erosion and soil conservation;
 - the effects of the activity on the establishment or maintenance of ETC on LO3A land;
 - the effects of the activity on the receiving environment and waterbodies;
 - the effects of the activity on the aquatic environment;
 - the potential of the activity to erode physical resources.
4. To encourage the phasing out of land management practices that cause or maintain erosion and to encourage land management practices that reduce unsustainable use of highly erodible land. Particular emphasis will be placed on the worst eroding land (i.e. LO3A). Regard to the following will be had when preparing plans or considering applications for plan changes, or consents:
 - actual, incipient or historical erosion features;
 - amount of bare ground;
 - slope;
 - amount of soil lost from the site;
 - lithology;
 - environmental degradation such as soil compaction erosion, sedimentation and destabilisation and degradation of aquatic habitat and wetland ecosystems.
 - existing ETC on LO3A land;
 - any soil conservation benefits of land in Plantation Forest.
5. To encourage the voluntary retirement of land that is unsuitable for any productive landuse. Encouragement could include financial contributions, lobbying of central government for direct incentives, assistance with costs and services, and advice and information. Particular emphasis will be placed on the worst eroding land (i.e. LO3A). Criteria that would be used to assist assessment of this land includes such matters as:
 - actual, incipient or historical erosion features;
 - amount of bare ground;
 - slope;
 - amount of soil and subsoil lost from the site;

- lithology;
 - environmental degradation such as soil compaction, erosion, sedimentation and destabilisation and degradation of aquatic and wetland ecosystems.
 - existing effective tree cover on LO3A land;
6. To recognise that it is not possible to completely stop soil loss, and movement of sediment and gravel offsite, and to allow land disturbance and vegetation clearance activities with adverse effects that can be remedied or mitigated or have no more than minor adverse effects on erosion, soil structure and water quality.
7. To encourage landuse regimes, including environmental management systems and/or comprehensive landuse consents that address a number of operations for approved programmes or procedures. These would be subject to the provision of:
- detailed management plans to demonstrate that adverse effects are being avoided, remedied or mitigated;
 - a monitoring programme to demonstrate compliance with rules;
 - a demonstrated ability to achieve and maintain compliance performance;
 - contingency mechanisms to cope with failure of control measures.
8. To allow for a system of cost recovery for regional landuse consents. Regard to the following will be had when considering applications for consents:
- site visits and assessment by Council staff, sufficient to assess the consent application at no charge to the applicant.;
 - non-compliance with consent conditions, or non-compliance with the General Regional Rules will incur full compliance monitoring cost recovery by Council.
9. To allow for a system of cost-sharing for Sustainable Hill Country Project (SHCP) works plans. Council will provide:
- site visits by Council staff to assess the treatment options for each LO3A area.
 - a SHCP works plan template, including ortho-photographic property maps, and an annual reporting template.
10. To support and undertake programmes for baseline monitoring of landuse and such investigations as required.
11. To require the establishment and maintenance of ETC on the worst eroding land (i.e. LO3A) in the district, that is the land identified on the Urban and Rural Planning Maps as LO3A. Depending on specific site conditions, potential treatments include plantation forestry (close planting of trees), strategic willow and poplar pole planting and unassisted or actively managed reversion to indigenous species. Indigenous species reversion is generally preferred for land that requires permanent ETC, with no harvesting disturbance. In some circumstances it will be necessary to include works on land not identified (but within the same rating assessment unit) as LO3A in order to achieve ETC on LO3A land.
12. To recognise that there will be instances where the District Conservator considers ETC is not achievable in part or in total, due to circumstances that are outside of the landowner's control, such as:
- a) the unavailability of suitable plant material necessary for achievement of ETC.

- b) topographic, geological or unusual climatic or other environmental conditions resulting in, or likely to result in, plant establishment or maintenance failure.
- c) the unavailability of financial assistance, despite applications for Works certified by the District Conservator having been made to the East Coast Forestry Project (ECFP).

To also provide a process in cases where the District Conservator does not agree with a landowner's proposals for achieving ETC, whereby that landowner can make a resource consent application, as a discretionary activity, to have their proposal considered by the Council.

13. To require certification by the District Conservator of the Gisborne District Council, of:

- a) proposed SHCP Works Plans, or
- b) works completed in the absence of a Works Plan.

as likely to achieve, or achieving, the establishment and maintenance of ETC on LO3A land. An existing certified works plan for a rating unit can either be taken up by a new landowner, and continue to apply to the land, or be revised and submitted for certification.

14. To encourage the use of assistance provided by the ECFP for the purpose of the establishment and maintenance of ETC on LO3A land.

15. To recognise that regulation is not considered achievable without the assistance to the District provided by the ECFP (or an equivalent financial incentive). The feasibility of regulation will be reviewed should the ECFP be withdrawn or amended to the extent that it is effectively unavailable to landowners.

16. To monitor the accuracy with which the worst eroding land is identified as LO3A on the Urban and Rural Planning Maps. An ongoing mapping process will continually identify any inaccuracies and promote amendments for inclusions and boundary adjustments through variations or plan changes.

17. To recognise the potential difficulties associated with achieving ETC on LO3A land which is multiple owned Maori land and the governance structures that may be associated with it.

18. While consent applications are generally considered in the round. Vegetation Clearance resource consent applications within the same proposal for controlled and for restricted discretionary activities in respect of distinct areas will be separately assessed, provided the effects of exercising the two consents will not overlap or have flow on effects on matters to be considered in respect of the other distinct areas, and that the factors to be taken into account are relatively unconfined. The application of Council's restricted discretion will depend upon the circumstances of each particular case.

Explanation and Principal reason (1 and 2): This policy supports the first objective and outlines a strategy of education and participation within the community that is crucial to developing a landowner ethic of sustainable land management. It is recognised that this is a long-term process, and its management will be largely through the Council's Long Term Council Community Plan (LTCCP) and Annual Plan processes, which will allow Council flexibility to meet community needs. Where other agencies and groups share the same objectives of this Plan, Council may provide support and actively seek alignment of methods so that they are efficient in developing a sustainable land management ethic amongst landowners. It also allows the encouragement of land management practices that minimise the inherent instability and erodibility of the district's land resource. Note that none of the policies are intended to prejudice against Plantation Forest harvesting per se.

Explanation and Principal reason (3): The erosion in areas covered by the land overlays 2 and 3 (including 3A) is particularly sensitive to landuse and the management of the adverse effects of landuse activities requires constant consideration. The high degree of either actual or potential erosion, and the downstream adverse effects and environmental cost to the community from inappropriately managed land disturbance activities, compels a rigorous approach to be taken. This policy provides some certainty to Council, resource users, and the general community that these fragile areas are being managed in a more sustainable manner and that the resource is more likely to be available for future generations.

Explanation and Principal reason (4): Some land in the district is being used in a manner that is unsustainable and contributes significantly to sediment in the districts waterbodies. It is preferable to encourage a change to more sustainable uses. Council can choose to assist this change in a range of ways. This could include advocating different types or management of tree crops and encouragement of the voluntary retirement from grazing, or any other activity which has effects that are shown to contribute to the unsustainable use of highly erodible land. Encouragement could include, assistance with costs and services, advice and information and financial contributions. Assessment of the land is site specific and could include parameters or indicators that show how the land is unsuitable for the current landuse. The process can be managed through the LTCCP and Annual Plan. The worst eroding land (i.e. LO3A) in the district is generally eligible for funding from the East Coast Forestry Project (ECFP) incentive for mitigation or rehabilitation works.

Explanation and Principal reason (5): Some of the land in the district is unsuitable for any productive use and is an environmental cost to the community because of the off-site adverse effects it generates. This land is more appropriately retired and Council can choose to assist this in a number of ways. Assessment of the land is site specific and could include parameters or indicators that show how the land is unsuitable for the current landuse. The process can be managed through the LTCCP and Annual Plan. The worst eroding land (i.e. LO3A) in the district is generally eligible for funding from the ECFP incentive for mitigation or rehabilitation works.

Explanation and Principal reason (6): It is impossible to entirely stop soil loss and sediment transfer when land disturbance takes place, even for routine activities. This policy also acknowledges that there is a background natural level of erosion that occurs regardless of landuse.

Explanation and Principal reason (7): Some resource user groups propose that self regulation is an appropriate means of implementing the purpose of the Act. This policy acknowledges that a range of land use regimes may be appropriate, including environmental management systems and/or comprehensive land use consents, addressing predetermined operations, programmes or procedures. It encourages proactive approaches, allows for more autonomy for the management of effects of operations and for greater certainty to both the user and Council as more information is tabled about the complete operation as opposed to the parts required only for specific consents. It still provides for certainty that resources are being managed sustainably, and ensures that the Council is not in effect delegating authority to grant consents to a third party. It provides for savings in resource management administration by Council and applicants, thereby releasing resources to address other resource management issues.

Explanation and Principal reason (8): This management policy outlines that Council wishes to continue its present cost recovery regime. The consent process provides an opportunity for Council to advocate particular sustainable land management practices to applicants. The initial ability to provide a consent at no charge acts as an incentive and a multiplier out of proportion to the costs involved. It also assists the effectiveness of regulation by demonstrating to users that other options may be available.

Explanation and Principal reason (9): Sharing the costs of preparation of SHC works Plans recognises that sustainable hill country practices benefit the wider community as well as the individual landowners.

Explanation and Principal reason (10): Monitoring of the resource and resource use is fundamental to understanding the impact of landuse.

Explanation and Principal reason (11): The policy guides the implementation of regulation addressing the sustainable management of the worst eroding land (i.e. LO3A) in the district, identified as LO3A in the Urban and Rural Planning maps, and as 'Target Land' by the East Coast Forestry Project. Any treatment for effectively controlling soil erosion will be considered. The policy recognises erosion treatments already regarded as effective and prescribed under the East Coast Forestry Project. Harvesting of trees from plantation forests can temporarily

disturb the land. In certain situations adjacent land in a different land overlay can contribute to erosion on LO3A land. In these circumstances achievement of ETC on LO3A land will require complementary works on the adjacent land.

Explanation and principal reasons (12): As there are so many site specific variables influencing the establishment and maintenance of 'Effective Tree Cover' this policy provides for certification by an appropriately qualified and experienced Council officer. The policy guards against the potential for landowners to expend significant energy on Works that may not be appropriate in their circumstances, and ensures adequate Works, tailored to site characteristics. Certification is guided by the criteria of Rule 6.10.1.1.3, but the policy allows for circumstances when these may need to be deviated from without jeopardising a landowner's ability to receive certification for appropriate Works. In addition, there needs to be a process for the circumstances where the District Conservator does not agree with a landowner's proposal to achieve ETC which provides for that landowner to make an application for consideration of their proposal by the Council.

Explanation and Principal reason (13): There are several circumstances where non-compliance with the regulation or components of it, either in part or in whole, may be considered defensible. The policy recognises this and provides examples. The policy would apply when considering certification of works and works plans, an application for a discretionary activity, or when considering enforcement procedures (amongst other circumstances).

Explanation and Principal reason (14): The task to address the adverse effects of the worst eroding land (i.e. LO3A) is not achievable by landowners acting independently or the district without the external assistance provided by the ECFP. This also provides a platform for advocacy and partnership work with other agencies including the Ministry of Agriculture and Forestry.

Explanation and Principal reason (15): The policy recognises inherent uncertainties involved in reliance on the ECFP incentive, and emphasises that regulation of LO3A land, to require ETC, may be too much of a burden on the community to deliver, without access to financial assistance in some form. The ECFP was reviewed in 2005 and may be subject to further reviews during the lifetime of the Project. The regulatory method should be reconsidered in the context of the ECFP review outcomes as necessary, while noting that the general unavailability of the ECFP incentive to the Crown does not constitute 'unavailable to landowners' in the context of this Policy.

Explanation and Principal reason (16): The identification of worst eroding land as LO3A on the Urban and Rural Planning Maps is the result of a mapping process carried out at a more detailed property scale than has previously been undertaken in the district. However, it is recognised there may be small inaccuracies in the identification of Land 3A. To maintain the integrity of LO3A it is necessary to undertake an ongoing mapping process to identify such inaccuracies.

Explanation and Principal reason (17): The policy recognises that there are potential difficulties associated with multiple owned Maori land given the governance or ownership structures that can apply and that a greater effort may well be required by those owners and the Council in implementing ETC and achieving the assistance provided by the ECFP.

6.5 METHODS OF IMPLEMENTATION

6.5.1 Advocacy

1. Provide information on soil conservation and sustainable land management, with an emphasis on the worst eroding land (i.e. LO3A) in the District through a programme of:
 - a) Individual property advice and property-scale mapping of LO3A land;
 - b) Site visits.
 - c) Promoting co-operation with and between landowners, users, iwi and runanga and other organisations with statutory responsibilities for land management to advance the integrated management of the land resource;

- d) Supporting programmes of other organisations that promote sustainable management, Council policies and have community support. This includes the ECFP and also “care” initiatives such as, Queen Elizabeth II National Trust covenants and Nga Whenua Rahui. It could also mean support for industry based training programmes and the development of guidelines appropriate to the Gisborne District. The degree of support will be higher where initiatives are on a district, catchment or sub-catchment basis. Support could include the provision of information, services or financial assistance. The type and amount will be determined through the Council's LTCCP and Annual Plan processes;
- e) Submissions on policy to interest groups, government departments and industry;
- f) Where funding is available, the provision of financial assistance, including promoting the establishment of a community based contestable fund to assist development of sustainable land management within the district;
- g) Participation in poplar and willow breeding and sourcing programmes and alternative species research;
- h) Ensuring appropriate poplar and willow plant material is available locally.
- i) Ensuring implications of multiple ownership and associated governance structures are considered when carrying out Council's advocacy role on LO3A land.

Principal reason (1): Advocacy is explaining to landholders why unsustainable land use is occurring, what the best methods are to resolve the issue and how they can be implemented. Emphasis is on direct contact with landholders, but there is also an advocacy role in ensuring that Council's policies are considered by other resource user groups in the community when they are planning or undertaking their activities and also central government when it is considering intervention in local land management issues. Financial and material assistance are adjuncts to advocacy that encourage landholders to act on information made available and an example is the establishment of a contestable fund for sustainable land management to assist the targeting of remedial measures for erosion prone land and to recognise that benefits accrue both to the landowner and the community at large. Encouraging landowner uptake of the incentives offered as part of the ECFP through Council advocacy work has direct sustainable land management benefits for the community.

6.5.2 Education

1. Promote soil conservation and sustainable land management within the community and interest groups, with an emphasis on the worst eroding land (i.e. LO3A) in the District through the LTCCP and Annual Plan by:
 - a) Making available information and advice on sustainable management and soil conservation, and by advocating the principles of sustainable land management, and funding opportunities (particularly the ECFP), to individuals, community and industry groups and other agencies through publications such as Conservation Quorum and other pamphlets or seminars, field days and workshops on specific issues;
 - b) Support a programme of education for sustainable land management which would include activities such as extension programmes and demonstrations to educational and industry groups. The prioritising of these activities will be determined through the LTCCP and Annual Plan processes.

Principal reason (1): Education is a key method to engendering change in the community's perception of the environment and sustainable land management. It is a long-term process that is implemented through Council's LTCCP and Annual Plan.

6.5.3 Regulation

1. Establish rules within the District Plan to avoid, mitigate or remedy the adverse effects of activities on the district's land resource values. This approach is consistent with the Regional Policy Statement (RPS).
2. Identification of land overlays in the District Plan. As one method to achieve Policies 6.4 1 – 15, the entire land resource has been categorised and mapped into three land overlays based on the NZRLRI database for the Gisborne East Coast Region, Second Edition, June 1999. The land overlays recognise varying susceptibility of the land to erosion, soil loss and sediment generation. The land overlays enable appropriate targeting of land use rules to those areas where adverse effects are likely.

There are three land overlays:

- a) Land Overlay 1 - comprises LUC Classification Unit Classes I -V and VIe1, 2, 3, 5, 7 and 8 inclusive. This land overlay recognises the district's flat land and easy hill country. Land Overlay 1 is mapped in order to provide some indication of land which is capable of a wide range of sustainable land uses. Land Overlay 1 excludes the beds of lakes and rivers.
- b) Land Overlay 2 - comprises the balance of LUC Classification Units in Class VI. This land overlay describes hill country land which is moderately limited in terms of its capability for sustainable use. Land Overlay 2 excludes the beds of lakes and rivers.
- c) Land Overlay 3 - comprises land in LUC Classification Unit Classes VII and VIII. Options for sustainable land use in these classes of land are severely limited. It is the most susceptible to erosion, sediment generation and soil loss. Land Overlay 3 excludes the beds of lakes and rivers. Land Overlay 3 includes LO3A.
- d) LO3A – is a subset of Land Overlay 3. It consists of land identified on the Urban and Rural Planning Maps as "LO3A". All Land 3A meets the text descriptions of Land Use Capability Units (1st edition NZLR1) VII3e12-16, 18 and 20, VIIIe 1-6; (2nd edition NZLR1) VIIe18-19, VIIe21-25, and VIIIe2-9. However, as LO3A land is mapped at a more detailed scale and the beds of lakes and rivers and coastal cliffs have been excluded, it does not correspond to the full geographic extent of such Units as mapped in the NZLR1. LO3A is also eligible for treatment as Target Land under the ECFP. LO3A is the worst eroding land in the district.

Principal reason (1): Rules are used to implement the land overlay approach, to provide certainty that defined environmental standards will be able to be achieved, and to provide certainty for the applicant and for the administration of the Plan.

Principal reason (2): The land overlays promote sustainable management of natural and physical resources in terms of Section 5(2)(b) of the Act, recognise and provide for the matters of national importance specified in Section 6(a)(c) and (e) of the Act, and the function of the Council to sustainably manage the District's land resource in terms of Section 30(1)(c). The land overlays are mapped on the Urban and Rural planning maps to indicate with some certainty to landowners or other resource users the vulnerability of the land resource.

6.5.4 Review of Provisions Regulating Land Use Change on Land Overlay 3A Land

1. The regulation of land use requiring the establishment and maintenance of ETC on LO3A land is considered feasible because of the assistance provided by the ECFP financial incentive. Should this financial support be removed or otherwise made inaccessible, the Council will review the feasibility of implementing the LO3A regulatory provisions, and may initiate a variation or plan change as a result noting that the inaccessibility of the ECFP to the Crown shall not activate this method.

Principal reason (1): It is considered outside of the financial ability of the community (including affected individuals) to fund the land use changes needed to effectively treat LO3A land. The regulation is necessarily dependent on the substantial financial assistance offered to the district via the ECFP, which has the same objective as the regulation, i.e. sustainable management of the worst eroding land(i.e. LO3A) in the district. Note that as the Crown is not generally eligible for ECFP funding, its inaccessibility to the Crown is not a reason to review the regulation.

6.6 REGIONAL RULES FOR LAND DISTURBANCE AND VEGETATION CLEARANCE

Note

Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, ~~Chapter 7-Beds of Lakes and Rivers~~, Chapter 8-Utilities, Chapter 9 – Contaminated Sites, Chapter 9A – Hazardous Substances and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

The rules of Chapter 6 shall apply in addition to the zone rules for the area.

General Regional Rules

Subject to any other rule in the Plan, land disturbance and vegetation clearance activities conducted in land overlays 1, 2 and 3 (including 3A), as denoted on the Urban and Rural Planning Maps, are permitted where they comply with the following regional rules.

6.6.1 No activity shall cause conspicuous change in colour or natural visual clarity of any off-site receiving water after reasonable mixing.

6.6.2 No vegetation, slash, spoil or other debris shall be:

(i) directly deposited into a permanently flowing water body, lake, wetland or the sea, or be deposited into a position where it can readily enter, or be carried into a permanently flowing water body, lake, wetland, or the sea.

(ii) left in such a position described in (i) above where the vegetation exceeds

- 100mm diameter and 3 metres in length; or
- 100mm diameter and any lesser length, where the vegetation or slash may cause diversion, damming, erosion or result in movement of debris and deposition downstream.

Note

In addition to the rules in this chapter, the Proposed Freshwater Plan for the Gisborne Region includes rules that relate to activities in the beds of lakes and rivers and the Riparian Management Area.

6.6.3 All land disturbance activities shall include runoff controls around the area of disturbance where necessary to prevent concentration of runoff causing, erosion, scour and sediment discharge off-site.

6.6.4 Where an activity results in areas of exposed ground greater than a 0.5ha contiguous area over a 12 month period on any one site excluding firebreak sites, these areas shall be revegetated to give a ground cover of 75% of that area within 12 months of the activity ceasing.

6.6.5 Land disturbance batters and side-castings are to be stabilised by methods such as surface revegetation and drainage to avoid slumping and the generation of sediment.

6.6.6 Spoil and fill shall not be placed over vegetation other than grass, or placed in a position where it can cause erosion.

6.7 LAND OVERLAY 1 (Regional Rules)

NOTE : ~~excludes the beds of lakes and rivers.~~ In addition to the rules in this chapter, the Proposed Gisborne Regional Freshwater Plan includes rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

6.7.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Regional Rules where applicable:

Note: The following permitted activities are for the avoidance of doubt. The list is not exhaustive (Regional Rule 6.7.1.1 refers).

6.7.1.1 Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter

6.7.1.2 Trenching

Provided that:

1. The area is backfilled within 3 days of the trench being unused.

6.7.1.3 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

6.7.1.4 Maintenance of lawfully established roads, tracks, fencelines or earth dams

6.7.1.5 Maintenance and repair of lawfully established structures excluding network utility structures

6.7.1.6 Vegetation clearance

Provided that:

1. The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or
2. The clearance is by grazing; or
3. The clearance is harvesting of agricultural and horticultural crops; or
4. The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
5. The clearance is land preparation such as discing, ploughing or ripping; or
6. The clearance of up to a 10 metre width of vegetation for fencelines; or
7. The clearance is by line cutting; or
8. The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or

9. The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

6.7.2 Controlled Activities

The following activities shall be controlled activities provided they meet the General Regional Rules, where applicable:

6.7.2.1 Ground levelling involving side-cutting deeper than 1 metre

Council shall limit its control to the matters a) - e) specified below:

- a) Timing and duration of the activity to avoid wet ground conditions
- b) Placement and management of cuts and fills likely to cause slope instability
- c) Methods of sediment control
- d) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems
- e) Heritage values in the heritage alert layer

6.7.2.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.7.2.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.7.3 Restricted Discretionary Activity

The following activities shall be restricted discretionary activities:

6.7.3.1 That part of any vegetation clearance (including plantation forest clearance, and selective tree felling) in the Rural General Zone

Provided that:

1. It exceeds 2000m², in any 12 month period, and
 - adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and
 - has an average slope greater than 35°; and
 - has less than 75mm of topsoil present over at least 25% of the area

Or

2. It exceeds 2000m², in any 12 month period, and
 - has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structure

Or

3. It is not described by 6.7.3.1 (1) or (2) above, and cannot comply with the General Regional Rules.

Council shall restrict its discretion to the matters a) - f) specified below:

- a) Timing and duration of the activity

- b) The area and location of any Plantation Forest species to be left in situ after felling which within 10 metres of the Riparian Management Area and would exacerbate soil disturbance through conventional removal; and the area and location of any other vegetation to be retained.
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control
- e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Heritage values in the heritage alert layer

6.7.3.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.7.3.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.7.4 Discretionary Activities

The following activities shall be discretionary activities:

6.7.4.1 Land disturbance and vegetation clearance activities which do not comply with the General Regional Rules and are not provided for as Controlled or Restricted Discretionary Activities

6.8 LAND OVERLAY 2 (Regional Rules)

NOTE : ~~excludes the beds of lakes and rivers.~~ In addition to the rules in this chapter, the Proposed Gisborne Regional Freshwater Plan includes rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

6.8.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Regional Rules where applicable:

Note: The following permitted activities are for the avoidance of doubt. The list is not exhaustive (Regional Rule 6.8.1.1 refers).

6.8.1.1 Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter

6.8.1.2 Trenching

Provided that:

1. The area is backfilled within 3 days of the trench being unused.

6.8.1.3 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

6.8.1.4 Maintenance of lawfully established roads, tracks, fencelines or earth dams

6.8.1.5 Maintenance and repair of lawfully established structures excluding network utility structures

6.8.1.6 Vegetation clearance

Provided that:

1. The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or
2. The clearance is by grazing; or
3. The clearance is harvesting of agricultural and horticultural crops; or
4. The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
5. The clearance is land preparation such as discing, ploughing or ripping; or
6. The clearance of up to a 10 meter width of vegetation for fencelines; or
7. The clearance is by line cutting; or

8. The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or
9. The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

6.8.2 Controlled Activities

The following activities shall be controlled activities provided they meet the General Regional Rules, where applicable:

6.8.2.1 Land disturbance

Provided that:

1. The activity involves side-cutting more than 0.5m deep over a contiguous length greater than 100m in any 3 month period; or
2. The activity causes the disturbance of more than 50m³ of soil on land in any 3 month period and,

Council shall limit its control to the matters a) - e) specified below:

- a) Timing and duration of the activity to avoid wet ground conditions
- b) Placement and management of cuts and fills likely to cause slope instability
- c) Methods of sediment control
- d) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems
- e) Heritage values in the heritage alert layer

6.8.2.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.8.2.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.8.2.2 Vegetation clearance, other than in Rule 6.8.2.3

Provided that:

1. The land to be cleared is greater than 2ha in any one contiguous area over any 12 month period, and is not on land that meets criteria in Rule 6.8.3.1.

Council shall limit its control to the matters a) - h) specified below:

- a) Area, and location of the clearance
- b) Timing and duration of the activity to avoid wet ground conditions
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control associated with any track works and landings
- e) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Slash and debris in waterbodies

- g) The area and location of any vegetation to be retained
- h) Heritage values in the heritage alert layer

6.8.2.2.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.8.2.2 shall not be notified and except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.8.2.3 Selective scrub or tree felling

Provided that

1. The total area of land affected by clearance is greater than 2ha, and is not on land that meets criteria in Rule 6.8.3.1, and.
2. The activity results in clearance of more than 10% of the closed canopy cover in any five year period.

Council shall limit its control to the matters a) - f) specified below:

- a) Timing and duration of the activity to avoid wet ground conditions
- b) Methods of sediment control associated with any track works and landings
- c) Impact of any sediment generation on waterbodies including any impact on aquatic and wetland ecosystems
- d) Slash and debris in waterbodies
- e) The area and location of any vegetation to be retained
- f) Heritage values in the heritage alert layer

6.8.2.3.1 Notification

- a) Subject to Section 94A(3) and 95B(2) of the Act an application for a controlled selective scrub or tree felling activity within Land Overlay 2 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.8.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

6.8.3.1 That part of any Vegetation clearance (including plantation forest clearance, and selective scrub and tree felling) in the Rural General Zone

Provided that:

1. If it exceeds 2000m², in any 12 month period, and
 - adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and
 - has an average slope greater than 35°; and
 - has less than 75mm of topsoil present over at least 25% of the area

Or

2. It exceeds 2000m², in any 12 month period, and
 - has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structure

Or

3. It is not described by 6.8.3.1(1) or (2) above, and cannot comply with the General Regional Rules.

Council shall restrict its discretion to the matters a) - f) specified below:

- a) Timing and duration of the activity
- b) The area and location of any Plantation Forest species to be left in situ after felling which is within 10 metres of the Riparian Management Area and would exacerbate soil disturbance through conventional removal; and the area and location of any other vegetation to be retained
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control
- e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Heritage values in the heritage alert layer

6.8.3.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.8.3.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.8.4 Discretionary Activities

The following activities shall be discretionary activities:

6.8.4.1 Land disturbance and vegetation clearance activities which do not comply with the General Regional Rules and are not provided for as Controlled or Restricted Discretionary activities

6.9 LAND OVERLAY 3 (Regional Rules)

NOTE : ~~excludes the beds of lakes and rivers.~~ In addition to the rules in this chapter, the Proposed Gisborne Regional Freshwater Plan includes rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

6.9.1 Permitted Activities

Subject to Rule 6.10.2, the following activities shall be permitted activities provided they comply with the General Regional Rules and any more restrictive rule in respect of Land Overlay 3A where applicable.

Note: The following permitted activities are for the avoidance of doubt. The list is not exhaustive (Regional Rule 6.9.1.1 refers).

6.9.1.1 Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter

6.9.1.2 Trenching

Provided that:

1. The area is backfilled within 3 days of the trench being unused.

6.9.1.3 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

6.9.1.4 Maintenance of lawfully established roads, tracks, fencelines or earth dams

6.9.1.5 Maintenance and repair of lawfully established structures excluding network utility structures

6.9.1.6 Vegetation clearance

Provided that:

1. The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or
2. The clearance is by grazing; or
3. The clearance is harvesting of agricultural and horticultural crops; or
4. The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
5. The clearance is land preparation such as discing, ploughing or ripping; or
6. The clearance of up to 10 metre width of vegetation for fencelines; or
7. The clearance is by line cutting; or
8. The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or

9. The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

6.9.2 Controlled Activities

Subject to rule 6.10.2 the following activities shall be controlled activities provided they meet the General Regional Rules and any more restrictive rule in respect of Land Overlay 3A, where applicable:

6.9.2.1 Selective scrub or tree felling

Provided that

1. The total area of land affected by clearance is greater than 2ha, and is not on land that meets criteria in Rule 6.9.3.1, and
2. The activity results in clearance of more than 10% of the closed canopy cover in any five year period.

Council shall limit its control to the matters a) - f) specified below:

- a) Timing and duration of the activity to avoid wet ground conditions
- b) Methods of sediment control associated with any track works and landings
- c) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems
- d) Slash and debris in waterbodies
- e) The area and location of any vegetation to be retained
- f) Heritage values in the heritage alert layer

6.9.2.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.9.2.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.9.2.2 Clearance of plantation forest

Provided that

1. The area to be cleared is greater than 500m² in any one contiguous area over any 12 month period, and is not on land that meets criteria in Rule 6.9.3.1.

Council shall limit its control to the matters a) - f) specified below:

- a) Timing and duration of the activity to avoid wet ground conditions
- b) The area that can be cleared from any one catchment in any 12 month period
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control associated with any track works and landings
- e) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems

- f) Heritage values in the heritage alert layer

6.9.2.2.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.9.2.2 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.9.3 Restricted Discretionary Activities

6.9.3.1 Plantation forest clearance, and selective scrub and tree felling

Provided that:

1. It is on a contiguous area of greater than 500m² which has an average slope greater than 35°; or
2. It is on a contiguous area of greater than 500m² which has less than 50mm of topsoil present over 25% or more of the area.

Council shall restrict its discretion to the matters a) - g) specified below:

- a) Timing and duration of the activity
- b) The area and location of any vegetation to be retained
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control
- e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Heritage values in the heritage alert layer
- g) Whether, in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Rule 6.10.1.1.3.

6.9.3.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.9.3.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.9.3.2 Land disturbance

Provided that

1. The activity involves side-cutting of more than 0.5m deep over a contiguous length greater than 20m in any 3 month period; or
2. Causes the disturbance of more than 10m³ of soil on land in any 3 month period and,

Council shall restrict its discretion to the matters a) - g) specified below:

- a) Timing and duration of the activity
- b) Area and location of the activity

- c) Placement and management of cuts and fills likely to cause slope instability
- d) Methods of sediment control
- e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Heritage values in the heritage alert layer
- g) Whether in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Rule 6.10.1.1.3.

6.9.3.2.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application for a restricted discretionary activity for land disturbance within Land Overlay 3 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.9.3.3 That part of any Vegetation clearance (including plantation forest clearance, and selective tree felling) in the Rural General Zone

Provided that:

1. It exceeds 2000m², in any 12 month period, and
 - adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and
 - has an average slope greater than 35°; and
 - has less than 75mm of topsoil present over at least 25% of the areaOr
2. It exceeds 2000m², in any 12 month period, and
 - has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structureOr
3. It is not described by 6.9.3.1(1) or (2) above, and cannot comply with the General Regional Rules.

Council shall restrict its discretion to the matters a) - g) specified below:

- a) Timing and duration of the activity
- b) The area and location of any vegetation to be retained
- c) Methods necessary to maintain slope stability
- d) Methods of sediment control
- e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems
- f) Heritage values in the heritage alert layer
- g) Whether, in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Rule 6.10.1.1(3).

6.9.3.3.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to rule 6.9.3.1 shall not be notified except where the application relates to a land overlay in respect of Chapter 4-Natural Heritage, in which case notification may be required.

6.9.4 Discretionary Activities

The following activities shall be discretionary activities:

6.9.4.1 Land disturbance and Vegetation clearance activities in Land Overlay 3 which do not comply with the General Regional Rules and are not provided for as Controlled or Restricted Discretionary Activities

6.10 Land Overlay 3A (Regional Rules)

NOTE : ~~excludes the beds of lakes and rivers.~~ In addition to the rules in this chapter, the Proposed Gisborne Regional Freshwater Plan includes rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

6.10.1 Permitted Activities

From 1 July 2011, the following activities shall be permitted activities provided they comply with the General Regional Rules and any more restrictive rules in respect of Land Overlay 3, where applicable:

6.10.1.1 Any activity, where the total area of LO3A land, on any single rating unit, is 5 hectares or more:

Provided that:

1. Works have been undertaken on the single rating unit to establish and/or maintain ETC on all treatable land (including Crown land) identified as LO3A in the Urban and Rural Planning Maps to the Plan, subject to the following standards:
 - a) With regard to all such land, except land owned and administered by the Crown, the requirement for the establishment of ETC is subject to the availability of the incentive; *and*
 - b) In the case of land owned and administered by the Crown, the requirement for the establishment of ETC is subject to the existence of the ECFP incentive; *and*
 - c) This rule comes into force on 1st July 2011, by which date Works Plans are required to have been completed and certified by the District Conservator of the Gisborne District Council.

OR

2. A Sustainable Hill Country Project Works Plan (Works Plan) is developed and implemented for all treatable land (including Crown land) on the single rating unit identified as LO3A, in the Urban and Rural Planning Maps to the Plan, subject to the following standards:
 - a) With regard to all such land, except land owned and administered by the Crown, the requirement to develop and implement the establishment works component of a Works Plan is subject to the availability of the ECFP incentive; *and*
 - b) In the case of land owned and administered by the Crown, the requirement to develop and implement the establishment works component of a Works Plan is subject to the existence of the ECFP incentive; *and*
 - c) Works Plans are required to have been developed and certified by the District Conservator of the Gisborne District Council by 1st July 2011 *and*

- d) Works Plans shall describe the Works proposed for all LO3A land on the single rating unit, including:
 - i) detail of the nature, extent and dates of establishment and/or maintenance Works planned, with the location of Works shown on a property map;
 - ii) detail of any plant or animal pest control planned (including stock exclusion as necessary);
 - iii) the timeframe for plan implementation, which is to be completed by 2021 in respect of establishment works;
 - iv) a budget adequate for the proposed Works; *and*
- e) Implementation shall be in accordance with the Certified Works Plan;

AND

- 3. Certification: All Works and Works Plans described by Rules 6.10.1.1(1) and 6.10.1.1(2) must be certified by the District Conservator of the Gisborne District Council. Regard will be had to the following when considering certification:
 - a) whether the completed Works, or proposed Works Plan, will achieve the establishment or maintenance of “ETC”; *and*
 - b) whether there is any conflict between current or proposed land use activities (such as plantation forest harvesting, damage by livestock, stock water access, lambing / fawning / calving paddocks, or management of historic/archaeological or indigenous biodiversity values), and the establishment or maintenance of ETC; *and*
 - c) whether the effects of any activity described in b) above are localised, and whether there are proposed measures to mitigate or remedy the effects of the activity; *and*
 - d) in the case of Works Plans, whether resourcing (including labour, plant material, and budget provision) is demonstrably adequate and available for the proposed Works; *and*
 - e) whether the timeframe for implementation will facilitate achievement of the objectives and policies of this chapter in a phased manner given for completion of establishment works; *and*
 - f) whether there may be areas where ETC is not achievable in part or in total, due to circumstances that are outside of the landowner’s control, such as:
 - i) the unavailability of suitable plant material necessary for achievement of ETC; *or*
 - ii) topographic, geological or unusual climatic or other environmental conditions resulting in or likely to result in plant establishment or maintenance failure.
 - g) whether the completed Works, or proposed Works Plan, include Works on land not identified (but within the same rating assessment unit) as

LO3A where these are essential to achieving ETC on adjacent LO3A land.

NOTE: Informal guidelines for establishing tree cover in LO3A, will be produced by Council for information only. They are not Rules and have no statutory effect.

AND

4. Reporting Requirements: The nature, extent, progress and results of all works and Works Plans described by Rules 6.10.1.1(1) and 6.10.1.1(2) must be reported annually at a date to be set at the time of certification, to the District Conservator of the Gisborne District Council, and shall include the following information:

- a) detail of the nature, extent and dates of establishment and/or maintenance Works undertaken, with the location of Works shown on a property map; *and*
- b) the detail of any plant or animal pest control undertaken (including stock exclusion as necessary); *and*
- c) the result of all establishment and/or maintenance Works to date (including survival rates, and the locations of and reasons for any failure to establish effective tree cover, including the unavailability of financial assistance, despite applications for Works certified by the District Conservator having been made to the ECFP);

In the case of Works Plans described in Rule 6.10.1.1(1) the information shall also include:

- d) the extent of the Works Plan completed to date; *and*
- e) the nature of, and reason for, any deviation from the Works Plan, including the unavailability of financial assistance, despite applications for Works certified by the District Conservator having been made to the ECFP.

6.10.2 Discretionary Activities

From 1 July 2011, the following activities shall be discretionary activities:

6.10.2.1 Any activity, where the total area of LO3A land on any single rating unit is 5 hectares or more, which is not in accordance with a certified SHCP Works Plan, or which disestablishes, or fails to maintain, certified works.

Provided that:

- 1. In regard to any establishment Works (including establishment Works proposed in a Works Plan), the ECFP incentive exists.

6.10.2.2 Any land use activity undertaken on land administered by the Crown, where the total area of LO3A land on any single rating is 5 hectares or more, which is not in accordance with a certified SHC Works Plan, or which disestablishes, or fails to maintain, certified works.

6.11 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Adverse environmental effects of unsustainable land management are recognised and soil conservation management is undertaken. This allows for communities to continue using the district's land resources to provide for their social, economic and cultural wellbeing and maintain the resource for future generations.
- b) Degradation of the district's water quality by sediment input from poor land management practices is reduced.
- c) Individual users and groups are aware of the adverse effects of their landuse both on site and off site. They are also aware of techniques to avoid, remedy or mitigate those adverse effects.
- d) There is increased awareness of community and tangata whenua needs when the land resource is being used.