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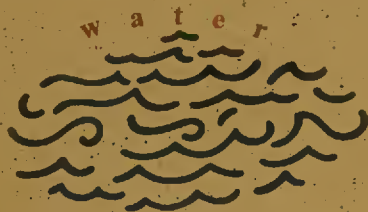
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MARLBOROUGH RESOURCE

MANAGEMENT PLAN

LAND DISTURBANCE CONTROL

STRATEGY



VOLUME ONE

MARLBOROUGH RESOURCE
MANAGEMENT PLAN
LAND DISTURBANCE CONTROL
STRATEGY

VOLUME ONE



Marlborough District Council

June 1994

Resource Management Act 1991

PREFACE

Volume one presents the strategy for management of land disturbance in Marlborough.

Volume two details the rules controlling land disturbance and identifies the conditions attached to permitted activities and matters over which Council has retained control and discretion.

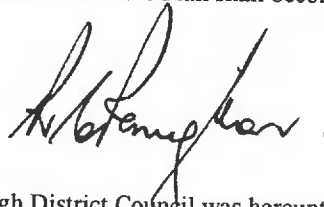
Therefore, Volume One explains what this Plan is seeking to achieve while Volume Two states how the Plan will achieve management of the effects of land disturbance.

RESOURCE MANAGEMENT ACT 1991

**Marlborough Resource Management Plan
Land Disturbance Control**

It is hereby certified that this is a correct copy of the Marlborough Resource Management Plan, Land Disturbance Control as approved by resolution of the Marlborough District Council on the 6th day of April 1995

The Council further resolved that the Plan shall become operative on 20 April 1995

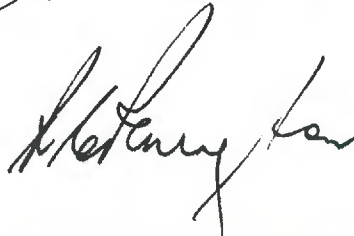


R C PENINGTON
GENERAL MANAGER

The Common Seal of the Marlborough District Council was hereunto affixed this ¹⁹ day of April 1995 in the presence of:




L F McKENDRY
MAYOR



R C PENINGTON
GENERAL MANAGER

Date Operative
20 April 1995

Marlborough District Council, Seymour Square,
P.O. Box 443, Blenheim, New Zealand. © 1994

ISBN 0 9583398 0 5 (set)

ISBN 0 9583398 1 3 (v.1)

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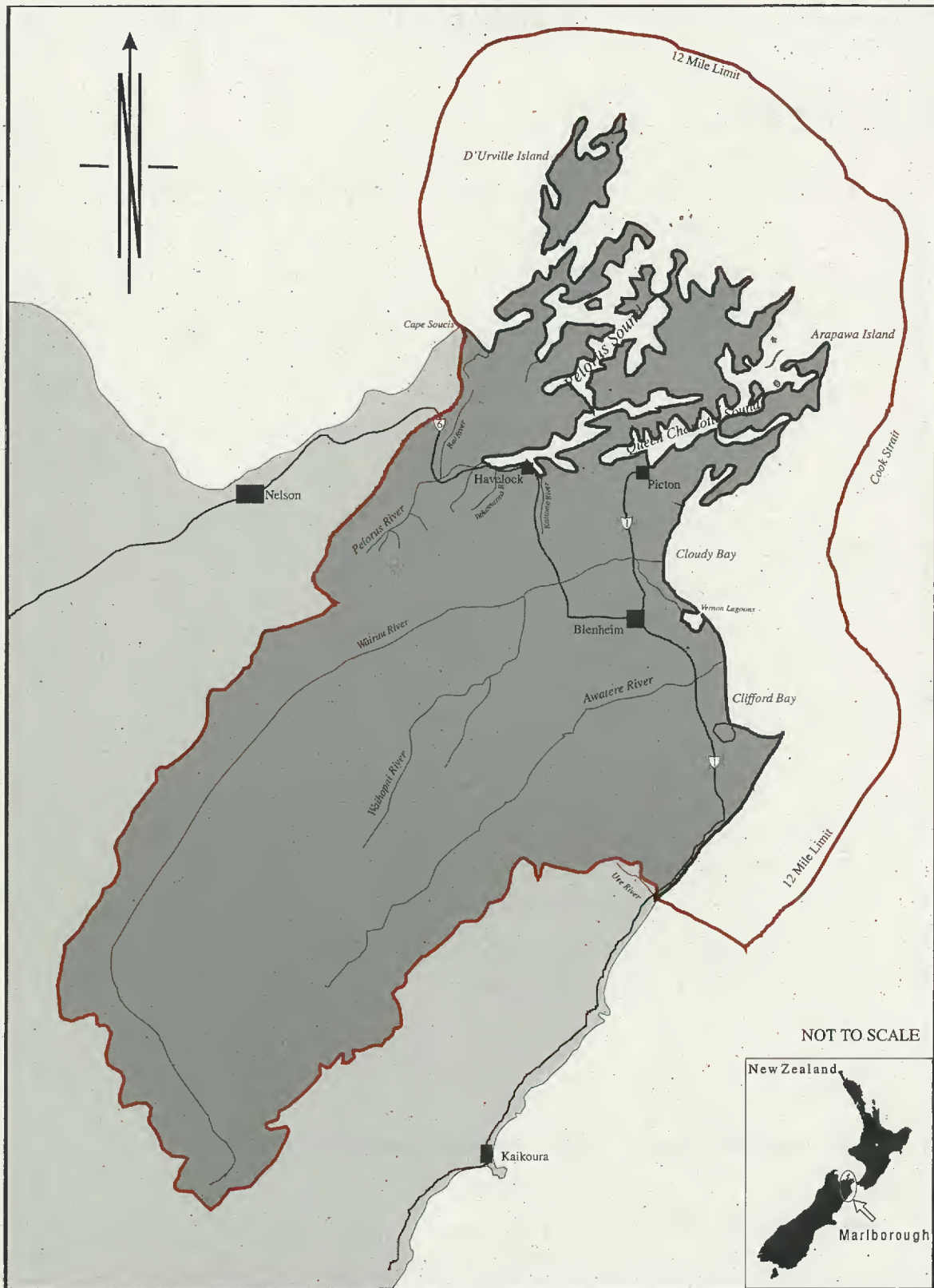
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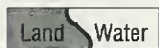
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Map 1 : Marlborough District



Marlborough Resource Management Plan area - Land Disturbance Control

MARLBOROUGH DISTRICT COUNCIL

Resource Management Plan for Land Disturbance Control

STRATEGY

1. INTRODUCTION

1.1 STATUTORY BACKGROUND

1.1.1 This plan is prepared pursuant to:

- (a) Section 30(1)(c) of the Resource Management Act 1991, which states that Regional Councils shall control land use for the purposes of **soil conservation, the maintenance and enhancement of water quality, and the avoidance or mitigation of natural hazards.**
- (b) Section 30(1)(a) of the Act, which specifies that Regional Councils shall achieve **integrated use of the region's resources.**
- (c) Section 65 of the Act, which states that a regional council **may** prepare **regional plans** to carry out its functions under the Act.

1.1.2 The Marlborough District Council is a **unitary authority** having both territorial and regional functions under the Act. This plan is prepared as part of Council's duties as a regional council.

1.2 HISTORY OF LEGAL CONTROLS ON LAND DISTURBANCE IN MARLBOROUGH

1.2.1 From 1968 land disturbance was controlled by a public notice (Section 34 notice, pursuant to the 1959 Amendment to the Soil Conservation and Rivers Control Act 1941) issued by the Marlborough Catchment Board and its successors. Burning in the Wairau high country was controlled by a separate Council Bylaw, which also aimed to prevent damage to soil and water values (Section 4, Council Water and Soil Bylaw 1990).

1.2.2 Both these controls required landowners to get a written consent from Council before burning or disturbing land in parts of Marlborough's hill country.

1.2.3 The Section 34 notice and Fire Bylaw had a number of inconsistencies:

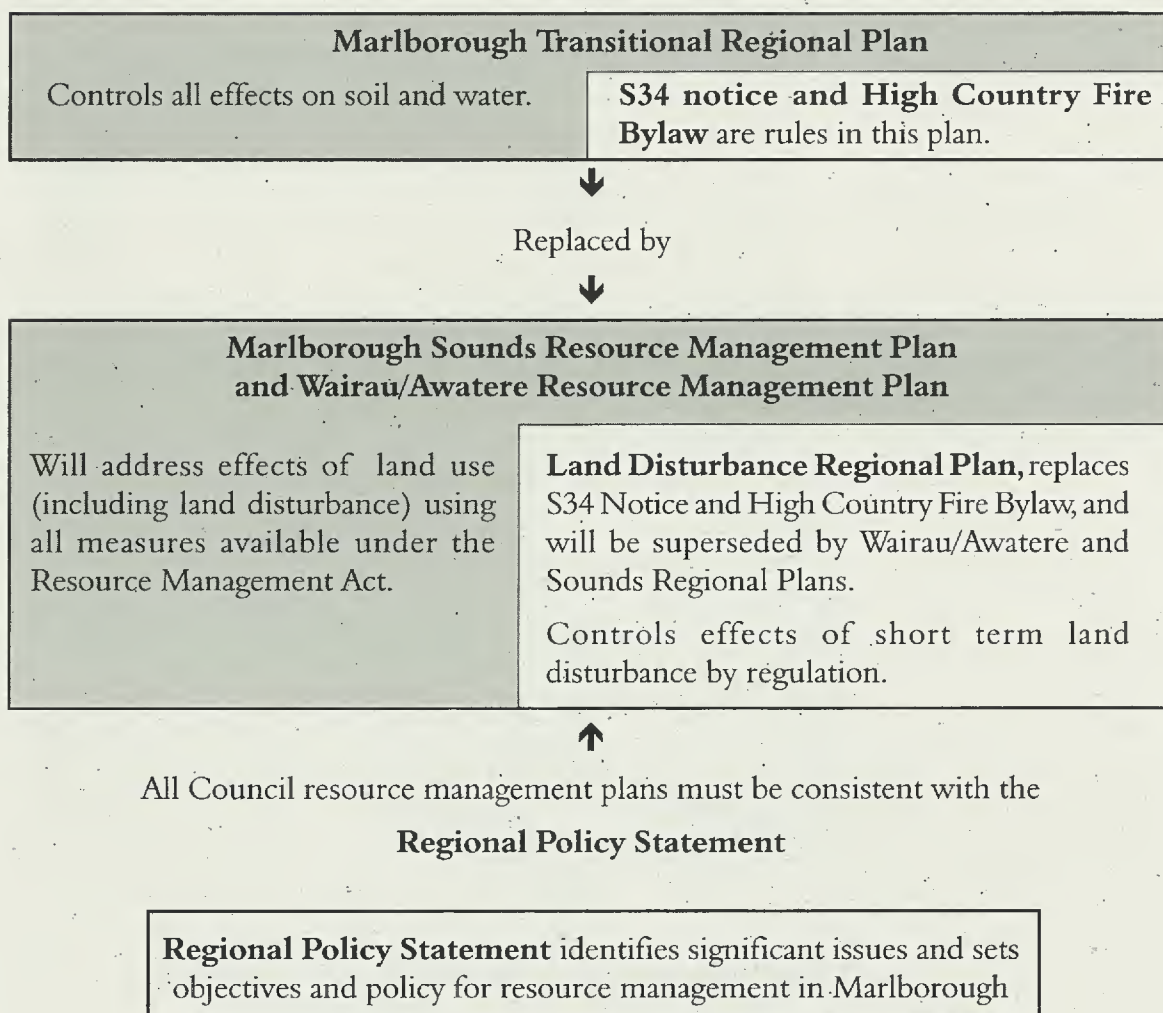
- (a) The scope of the Permitted Activities under the notice was very limited.

- (b) They did not cover the Awatere Valley. This stemmed from the time when the Marlborough Catchment Board had no soil conservation role in the Awatere Valley.
- (c) They only addressed soil and water effects of land disturbance, and did not address other effects of land disturbance, as is now required by the Resource Management Act.
- (d) The Section 34 notice did not recognise the Building Act 1991, which controls land disturbance for building activity.

1.3 SCOPE OF THIS PLAN

1.3.1 Fig. 1 (Marlborough District Council Resource Management Plans) shows how the Council's Land Disturbance Plan fits in with the Council's other resource management plans under the Resource Management Act 1991.

Figure 1 - Marlborough District Council Resource Management Plans



- 1.3.2 Both the S34 notice and the Wairau High Country Fire Bylaw (Water and Soil Bylaw 1990 Section 4) were rules in the Transitional Marlborough Regional Plan, under the Resource Management Act. **The S34 Notice expired on 20 September 1993** and because of this, and the deficiencies in the Notice and the Fire Bylaw, **this Land Disturbance Plan:**
- (a) **Repeals section 4 of the Council's Water and Soil Bylaw 1990 as at 21 September 1993.**
 - (b) **Replaces both the Council's Section 34 Notice and Section 4 of the Council Water and Soil Bylaw, as at 21 September 1993.**
- 1.3.3 The proposed Land Disturbance Plan does **not**:
- (a) Address issues raised by existing land uses e.g. grazing, or decisions about changing land use. These issues will be addressed by the Council's **Marlborough Sounds and Wairau/Awatere** plans.
 - (b) Address issues arising from cumulative effects of land disturbance, or with effects that are spread over long time intervals or very large areas. Again these will be addressed by the Marlborough Sounds and Wairau/Awatere plans.
- 1.3.4 The Land Disturbance Plan does:
- (a) **Set policies and objectives for controlling land disturbance, pending the notification of the Marlborough Sounds and Wairau/Awatere plans.**
 - (b) **Set in place rules to control short-term land disturbance activities over all of Marlborough District. However, it does not apply in the coastal area below mean high water mark springs, nor for any land disturbance controlled by the Water and Soil bylaws in the Council's Transitional Regional Plan or by rules in the Council's Wairau River Floodways Management Plan.**

1.3.5 Justification

- (a) The Council has the option of not controlling land disturbance by regulation i.e. allowing its land disturbance rules to lapse on the 20 September 1993.
- (b) However public submissions on Council's resource management discussion documents have largely supported rules for controlling land disturbance. Consultation with directly affected parties has confirmed this.
- (c) The Council will seek to address land use issues in its Regional Policy Statement and Marlborough Sounds and Wairau/Awatere plans. Rather than duplicate that process, Council chose to set policies and objectives for land

Cont. over

Continued from page 7

disturbance, and ensure that rules were in place when the Section 34 Notice expired on 20 September 1993. These policies and objectives will then be reviewed at the time of notification of the Marlborough Sounds and Wairau/Awatere Plans.

There are no major differences in soil type and erosion risk between the southern Wairau Valley and the Awatere Valley. Therefore land disturbance controls which apply to the Wairau Valley should apply to the Awatere Valley as well.

Note: The policies and objectives in this plan have been developed after extensive public consultation in respect of the Council's Regional Policy Statement. Therefore it is likely they will need little change to integrate with other resource management plans yet to be notified.

(d) Land disturbance is not an end in itself. It is something that is done as part of a land use. Therefore the effects of land disturbance can be controlled by rules controlling land use activity. For example, if logging a steep hillside is going to result in unacceptable soil damage, then it is better to prevent the planting of pines on that hill, rather than control effects by preventing harvesting when the trees are mature.

This control of land use can be gained by regulation, or by non-regulatory means e.g. education or covenants with landowners.

However short-term, non-cumulative and localised land disturbance effects are most efficiently controlled by regulation of individual land disturbance operations.

In short this plan will control short term localised effects of land disturbance by rules.

1.4 STRUCTURE AND CONTENTS OF THIS PLAN

Figure 2 shows the structure of this Land Disturbance Plan. All items shown in capital letters are matters which the Act requires to be addressed in this **Strategy** part of the plan. Those matters shown in italic capitals are more fully addressed in the **Implementation** part.

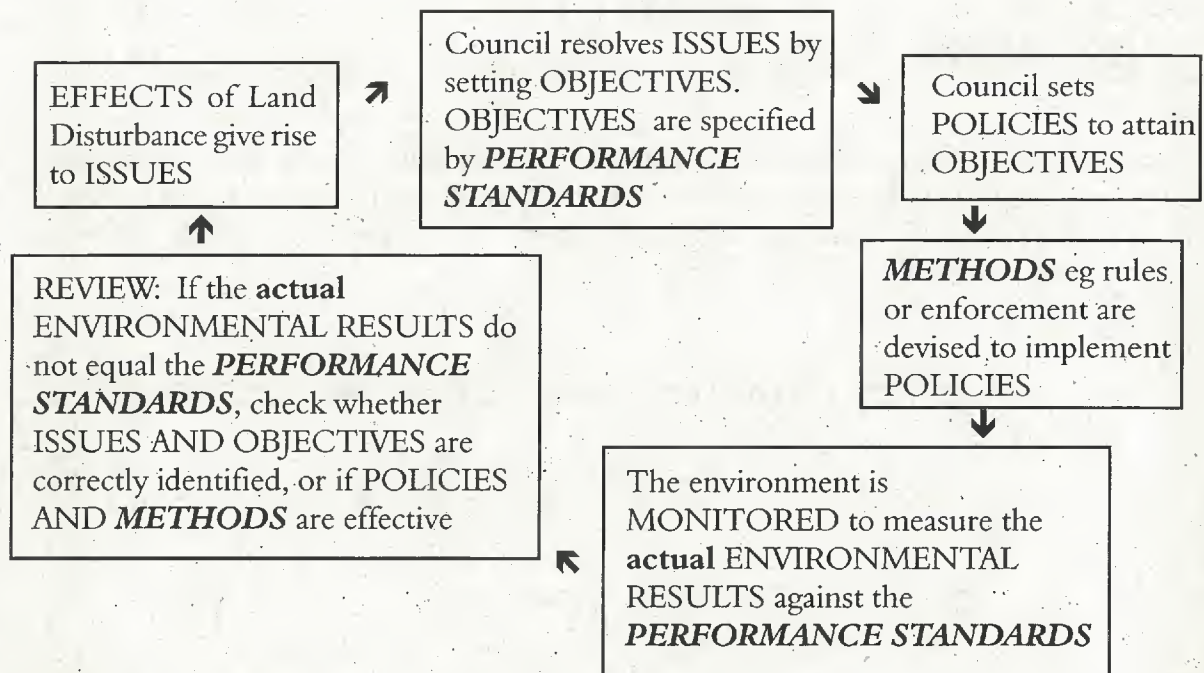


Figure 2: Structure of this Land Disturbance Plan

For this plan, methods will be confined to **rules** and control of effects through consents and enforcement.

1.5 RELEVANT CRITERIA IN THE ACT

1.5.1 In controlling land disturbance, the Council will have regard to the following criteria (figures in parentheses denote relevant sections of the Act):

- (a) Council must impose rules and other controls only where clearly necessary to achieve the purposes of the Act [S32].
- (b) Council must choose the most efficient and effective options for resolving issues [S32].
- (c) Resource users are responsible for avoiding, mitigating or remedying the adverse effects of their activities [S17].
- (d) Council must monitor the effects of resource use and make that information readily available to the public [S35].
- (e) Council must promote the sustainable management of natural resources [S5].
- (f) Environmental values include economic, social and cultural values [S5].
- (g) Iwi are to be partners with Council in promoting ecologically sustainable management under the Act [S8].

1.5.2 Justification

All criteria conform to the provisions of the Act.

2. ISSUES

This section outlines the **effects** of land disturbance on the environment, and then shows how these effects relate to the resource management **issues**, which have been identified through public consultation preliminary to the Marlborough Regional Policy Statement.

2.1 EFFECTS OF LAND DISTURBANCE ON THE ENVIRONMENT

These effects fall into four categories (in order of importance as ranked by public submissions to the Regional Policy Discussion document) :-

2.1.1 Effects of Sedimentation

Soil that has been bared by **vegetation clearance** is more exposed to rain, wind and frost. If at the same time, it has been loosened by **cultivation** or **excavation** it is more easily eroded by the elements. Eroded soil usually moves downhill (the exception is soil eroded by wind) and eventually enters a river or the sea. There the finer soil will dissolve, a process called **sedimentation**. Sedimentation can cause damage to marine and freshwater ecosystems, and may reduce the quality of the water for uses such as drinking or irrigation.

2.1.2 Effects on Natural and Cultural Values of the Land (Including Landscape)

- (a) Buried archaeological, cultural and historical artifacts are at risk of destruction from land disturbance. For example, excavation and cultivation may disturb waahi tapu or obliterate pa sites.
- (b) Land disturbance can also change the landscape. Excavation and vegetation clearance change landforms and may take years to revegetate. Indigenous forest and grasslands can be destroyed by burning or clearance.

2.1.3 Effects on Natural Hazards

- (a) Excavation can destabilise hill slopes. Excavation makes cuts into hill faces which may then collapse. In high rainfall environments, cultivation and removing vegetation may increase the risk from erosion.

- (b) The sedimentation mentioned under 2.1.1 can also block waterways and flood channels, thereby increasing the risk of flooding during periods of high flow.

2.1.4 Effects on Land Productivity

- (a) The soil's productivity depends on its friability and drainage and on its fertility. Burning can strip nutrients from the land by sending them up in smoke or exposing them to accelerated erosion. Mechanical land clearance e.g. bulldozing can push topsoil into piles in a gully, or compact the soil so that it is no longer free draining or well aerated.

2.2 ISSUES ARISING FROM LAND DISTURBANCE

- 2.2.1 Table 1 (Land Disturbance Issues Identified by the Regional Policy Discussion Document) shows how the effects of land disturbance on the environment give rise to the issues which will be addressed in this plan.

Note that land disturbance is an economic activity, and any controls that Council places on land disturbance may have an adverse effect on the short term economic well being of private individuals and groups.

2.2.2 Justification

The issues in Table 1 have been identified after notification of a public discussion document, and analysing submissions as well as consulting with iwi, resource users, and other affected parties.

TABLE 1 - Land Disturbance Issues Identified by the Regional Policy Statement

EFFECTS OF LAND DISTURBANCE	ISSUES IDENTIFIED BY REGIONAL POLICY STATEMENT	DESCRIPTION OF ISSUES
Increased levels of Sedimentation	Protection of water ecosystems Provision for community wellbeing	<p>COASTAL : Sedimentation affects the composition, diversity and functioning of the marine ecosystem</p> <p>WETLANDS, LAKES AND RIVERS : Sedimentation affects the composition, diversity and functioning of fresh water ecosystems.</p> <p>COMMUNITY : Contamination of water increases public health risk.</p> <p>COMMUNITY : Sedimentation reduces the amenity values of water.</p> <p>CULTURAL : Sedimentation can affect cultural values e.g. damage to traditional food sources.</p>
Damage to natural and cultural values of the land	Protection of land ecosystems Provision for community wellbeing	<p>LAND: Some land disturbance affects the composition, diversity and functioning of the land ecosystems</p> <p>CULTURAL : Land disturbance can affect cultural values attached to sites and locations e.g. waahi tapu may be accidentally dug up.</p>
Increased likelihood of landslides, flooding and debris in water	Provision for community wellbeing	<p>NATURAL HAZARDS: Exposure to natural hazards threatens the safety of people and property.</p>
Reduced land productivity	Protection of land ecosystems	<p>LAND: Land disturbance may reduce the life supporting capacity of the soil ecosystem.</p>

3. OBJECTIVES

The following objectives for controlling land disturbance are intended to resolve the issues in Section 2.

3.1 PROTECTION OF WATER ECOSYSTEMS

- 3.1.1 Land disturbance will not significantly reduce the quality of the water in the coastal marine area.
- 3.1.2 Land disturbance will not significantly reduce the quality of water in wetlands, lakes and rivers.

3.2 PROVISION FOR COMMUNITY WELLBEING - CULTURAL

- 3.2.1 The adverse effects of land disturbance on all areas of historic, cultural, spiritual and archaeological significance will be controlled.

3.3 PROVISION FOR COMMUNITY WELLBEING - NATURAL HAZARDS

- 3.3.1 The risk to human safety and property from landslides, debris flows, slips or slumps will not be increased by land disturbance.
- 3.3.2 Land disturbance will not significantly reduce the channel efficiency of floodways.
- 3.3.3 Land disturbance will not significantly increase the hazard to navigation from woody debris.

3.4 PROTECTION OF LAND ECOSYSTEMS

- 3.4.1 Land disturbance will not significantly decrease the life supporting capacity of the soil.

3.5 JUSTIFICATION

- 3.5.1 All objectives in this section address the issues in Section 2.

4. POLICIES

The following policies state how Council will attain its objectives:

4.1 PROTECTION OF WATER ECOSYSTEMS

- 4.1.1 Resource users will be required to prevent or minimise sediment and contaminated run-off arising from land disturbance activities from entering the marine ecosystem.
- 4.1.2 Resource users will be required to prevent or minimise sediment and contaminated run-off arising from land disturbance activities, from entering wetlands, lakes and rivers.

4.2 PROVISION FOR COMMUNITY WELLBEING - CULTURAL

- 4.2.1 Council will encourage resource users to check the NZ Historic Places Trust Register for cultural, historical and archaeological sites on the land that they are proposing to disturb. It will make information from the register available to resource users.
- 4.2.2 Resource users will be required to stop work and report to Council if historical, cultural or archaeological artifacts or waahi tapu are unearthed during land disturbance or land excavation.
- 4.2.3. Resource users will be required to consult with relevant iwi before carrying out land disturbance requiring a resource consent
- 4.2.4 Resource users will be required to consult with the Archaeological Society file keeper before carrying out land disturbance requiring a resource consent.

4.3 PROVISION FOR COMMUNITY WELLBEING - NATURAL HAZARDS

- 4.3.1 All areas with a land stability hazard will be identified by resource users before beginning land disturbance.
- 4.3.2 Resource users will be required to avoid or mitigate land stability, flood and navigational hazards when undertaking land disturbance.
- 4.3.3 Council will make available a public register of areas of known land instability hazard.

4.4 PRESERVATION OF LAND ECOSYSTEMS

- 4.4.1 Resource users will be required to prevent or minimise the degradation of soil fertility resulting from cultivation or vegetation clearance.

4.4.2 Justification

- (a) All policies in this plan conform to the objectives in Section 3.
- (b) In the past, uncontrolled land disturbance in Marlborough has given rise to conflicts about all the issues in Section 2. If Council does not require land users to control the adverse effects of land disturbance, then those conflicts will not be resolved but will continue.

5. METHODS (SUMMARY)

The methods for attaining Council objectives may range from doing nothing through to providing a service or funding programmes. However, this plan is only concerned with the use of **rules** and **enforcement** to achieve objectives. Other methods will be addressed in the Marlborough Sounds and Wairau/Awatere plans.

A full account of **methods** is in the **Implementation** section of this plan. **Note: in implementing the methods and policies in this plan, Council will only have regard to the issues in Table 1, Section 2.**

6. ENVIRONMENTAL RESULTS AND PERFORMANCE STANDARDS (SUMMARY)

The **expected** environmental results of this plan are defined precisely by the **performance standards** in the Implementation part of this plan.

Actual environmental results will be **monitored** and compared to **performance standards**.

7. MONITORING AND REVIEW

7.1 MONITORING OF COMPLIANCE WITH RULES

All results from monitoring of land disturbance will be checked to ensure compliance with rules and performance standards in the **Implementation** Part of this plan.

7.1.1 Monitoring of Compliance with Consent Conditions

- (a) All activities subject to resource consent will be inspected at least once to ensure compliance.
- (b) More frequent inspections and measurement of effects (e.g. water clarity sampling) will be needed when effects are likely to be major. These will be specified in the conditions attached to the consent.

7.1.2 Monitoring of Compliance with Permitted Use Conditions

Compliance with permitted use conditions will be checked using the following methods:

- (a) Aerial surveys and interpretation of aerial photographs.
- (b) Inspection by Council officers.
- (c) 'State of the Environment' monitoring by the Council to assess broad trends in the environment.
- (d) Following up on all complaints by the public.

7.2 REVIEW OF THIS PLAN

7.2.1 Effective Date of this Plan

This plan shall take effect from **21 September 1993**. All prescriptions for review are with reference to that date.

7.2.2 Review of Integration with Other Plans

This plan will be reviewed prior to the notification of both the Marlborough Sounds and the Wairau/Awatere plans to ensure that it is consistent with the provisions of those proposed plans.

7.2.3 Annual Review of the Implementation Plan

The Implementation part of this plan will be reviewed annually to ensure that it recognises changes and innovations in land disturbance methods.

7.2.4 Review of Strategy Plan

The Strategy part of this plan will be reviewed no less frequently than every five years, sooner should circumstances require.

APPENDIX I

GLOSSARY

APPENDIX I

GLOSSARY

Any terms not defined in this glossary will have the same meaning as defined in S2 of the Resource Management Act 1991. If not defined in this glossary or the Act, the Concise Oxford Dictionary (8th edition) will be used to define the meanings of words.

In this plan, unless otherwise specified, words used will have the following meanings:

Act	means Resource Management Act 1991
bare ground	ground which is visible when a site is viewed vertically from a point higher than the tallest vegetation on the site,
batter	means a slope immediately above or below a track, road or other excavation
<i>coastal marine area</i>	has the same meaning as the Act
<i>conditions</i>	has the same meaning as in the Act
<i>controlled activity</i>	has the same meaning as in the Act
Council	means the Marlborough District Council
crossfall	is the slope of a road, track or other excavation from the base of the cut batter to the edge of the excavation
cultivation	the act of breaking up or turning the soil with a cultivator, such that the surface contour of the land is not altered. It includes cable laying or trenching, provided the displaced soil or rock is reinstated and compacted to the bulk density of the surrounding material
cutoff	means a construction for the purpose of carrying surface runoff water into stable areas or into rivers or drains
dam	means a device or structure placed in the bed of a river for the purpose of impeding the flow of water
<i>discharge</i>	has the same meaning as in the Act
<i>discretionary activity</i>	has the same meaning as in the Act
<i>effect</i>	has the same meaning as in the Act
end hauling	means the technique of track, road or landing construction that requires the transport of fill to a disposal area away from the site of construction
<i>environment</i>	has the same meaning as in the Act
erosion	any particulate or mass movement of soil, under the influence of wind, water or gravity

excavation	means to dig out soil from the ground such that the surface contour of the land is permanently altered and to erect, construct, or lay paving, drainage, stabilisation structures or other works necessary to the management of the excavation
fill	is a deposit of cut material from excavation
ford or crossing	means a point along the river where vehicular crossings of the bed and banks may be made without the use of structures or alteration to the river
ground cover	means vegetation covering the ground as measured in a vertical view from a point higher than the tallest vegetation on a site
iwi	means a unit of Maori social and economic organisation comprised of many sub groupings. A purpose orientated confederation based on genealogical ties
land disturbance operation	any activity which includes excavation, cultivation or vegetation clearance as defined in this glossary.
land stability hazard	any area where there is a strong likelihood of soil movement in a mass - as identified on the Council's Natural Hazard Register
logging	vegetation removal with the purpose of producing industrial wood or logs
manu whenua	means customary authority exercised by an iwi or taapu in an identified area
natural clarity	Natural clarity shall be measured by using accepted scientific methods, and shall be taken to be the clarity of a water body immediately upstream of any discharge from a land disturbance site, or in the case of lakes or the sea, the clarity of water beyond the sediment "plume" in the water. Reduction in clarity due to the discharge shall be measured at a point 50 m downstream or offshore from the point of discharge, or two river widths, whichever is the greater
nutrient	means an element or compound required in the soil or water for the growth and development of life forms
organic matter	any material of biological origin, excluding petrochemicals and their derivatives.
permitted activity	has the same meaning as in the Act ie it is an activity which does not require a resource consent
property	means all adjoining titles held by one land occupier.
resource consent	has the same meaning as in the Act
riparian vegetation	means vegetation on land immediately adjacent to any wetland, river, lake or the coastal marine area (as defined in the Act)
river	has the same meaning as in the Act ie a continually or intermittently flowing body of fresh water, but not including any artificial watercourse

road	means any formed road as defined by the Transit NZ Act 1989
rule	has the same meaning as in the Act
runoff	is water moving over the ground surface and/or into a river, lake or the sea
sediment	particulate soil or organic matter
sidecasting	means a technique of road, track or a landing construction that requires the placing of spoil immediately to the side of the site of construction
sidecutting	excavation cuts across the side of a hill
slope	means the angle of a hillslope from the horizontal, measured at right angles to the contour
soil	any rock or weathered rock or soil material
topsoil	the soil forming the A horizon of a soil profile. i.e. the dark soil layer between the top layer of humus and subsoil
track	means any constructed pathway or trail where the formation construction is to a standard capable of carrying a crawler or wheel tractor or a light vehicle
vegetation	includes any trees, shrubs, plants or grasses
vegetation clearance	cutting, destruction or the removal of vegetation so that more than 20 m ² of bare ground is exposed within any 100 m ² square of land <u>except</u> clearance that which takes place as a result of excavation or cultivation.
waahi tapu	a place which is particularly sacred or spiritually meaningful to local iwi. It includes burial grounds and places where significant events have taken place
water supply	means a river or lake that is used to supply water for any domestic, industrial, or rural purpose
watertable	is a surface drainage channel, parallel and on the inside of a track or road
wetland	has the same meaning as in the Act

ISBN 0 9583398 0 5 (set)
ISBN 0 9583398 1 3 (v.1)