

5. Regional Rules

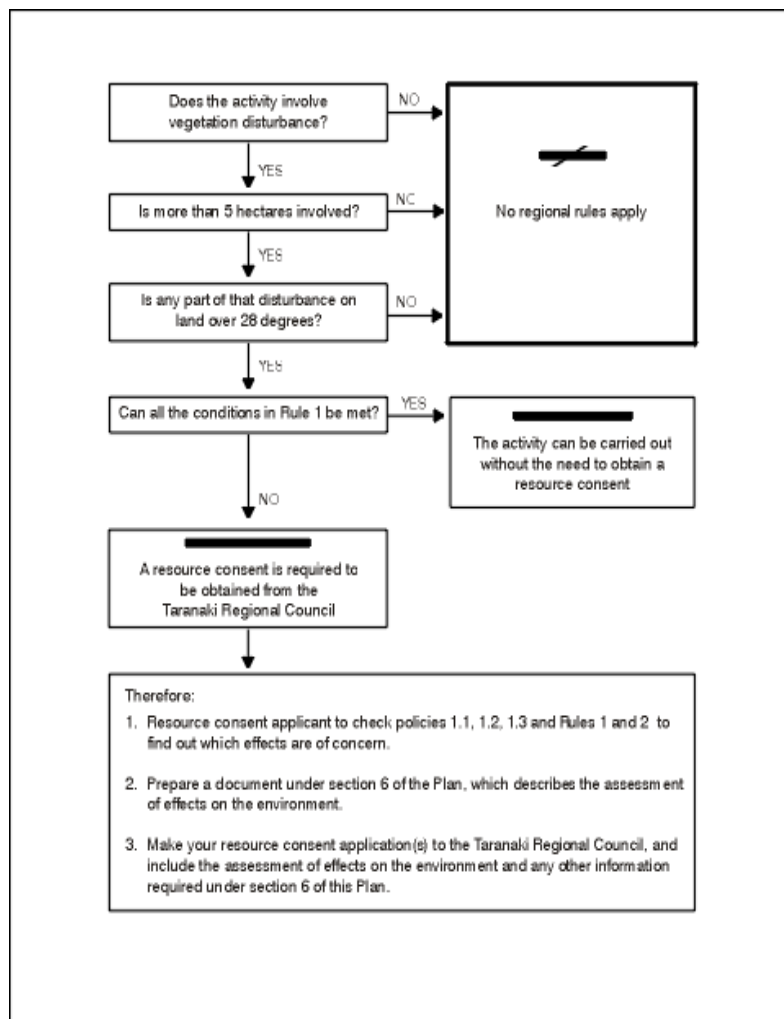
5.1 Guide to resource users

Under section 9(3) of the Act the use of land is permitted unless the use contravenes a rule in a regional plan. This Plan contains two regional rules for vegetation disturbance which give effect to the policies in the Plan. Rule 1 permits vegetation disturbance over five hectares in area, on land with a slope greater than 28°, provided the listed conditions in the rule can be met. A resource consent from the Taranaki Regional Council is required if the conditions in Rule 1 cannot be met for that activity.

Figure 2 provides a step by step guide to resource users in their deliberations as to whether their vegetation disturbance activity requires a resource consent under this Plan. If your activity requires a resource consent, you are encouraged to consult with any people likely to be affected by the activity. You should also consult with Tangata Whenua if their interests are affected.

If in any doubt, particularly regarding classification of your activity or regarding the information requirements for a resource consent, telephone the Consents Section of the Taranaki Regional Council on (06) 765 7127.

Figure 2 Consenting requirements under this Plan



Advisory note: Notwithstanding any rules in this Plan, all plantation forestry activities regulated under the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* must comply with those regulations. Where there is conflict or duplication between a rule in this Plan and those regulations, the regulations prevail.

5.2 Explanation of the rule tables

The Rules referred to can be found in the Rules Tables on pages 36 and 37 of this Plan. This section of the Plan provides an explanation of key terms used in the rule tables to assist you in your interpretation of those tables.

Each Table contains seven columns headed:

- **Rule:** The column headed 'rule' contains the rule number, for reference purposes.
- **Activity:** The activity column describes the type of activity to be, or being, undertaken. For the activity to come within and continue to comply with the rule, the activity must come within the description contained in the 'activity' column and meet any standards/terms/conditions in the 'standards/terms/conditions' column (see below).

A **permitted activity** can be carried out without a resource consent, provided that all conditions in the 'conditions' column are met (and can continue to be met). If the conditions of a permitted activity cannot be met, the activity will become controlled.

A **controlled activity** may only be carried out if a resource consent is obtained for that activity. The Taranaki Regional Council must grant the consent and will set conditions in relation to the matters set out in the 'control' column. When the content of these conditions is being considered, the relevant objectives and policies in the Plan and other section 104 matters will be considered only so far as they apply to the matters over which the Council has reserved control as set out in the 'control' column. If the conditions of a controlled activity cannot be met, the activity will become non-complying.

A **non-complying activity** is an activity (not being a prohibited activity), which contravenes a rule in a plan or proposed plan, and is allowed only if a resource consent is obtained in respect of that activity (where an activity meets the definition of a permitted or controlled activity it can not be a non-complying activity).

- **Standards/terms/conditions:** This column contains:
 - Conditions for permitted activities; or
 - Standards and terms for controlled activities.

When multiple standards/terms/conditions are specified, the proposed activity must comply with all of them in order to remain within the rule class named in the column headed 'classification'.

The standards, terms or conditions are ongoing requirements that must continue to be met after consent is granted. Failure to comply with the standards and terms amounts to a breach of the rule and may be subject to enforcement action. In the case of a permitted activity, failure to comply with the conditions will also mean that the activity is no longer permitted without consent.

- **Classification:** The activity is classified as permitted or controlled.

Any activity under this Plan that is not classified as either permitted or controlled is permitted under section 9 (3) of the Act.

- **Notification:** For Rule 1 in the rules tables, the **notification** column is blank as that rule relates to a permitted activity. As the activity does not involve a resource consent application, no notification is required.

For Rule 2 in the rules table, the **notification** column uses the words "*may be non-notified without written approval*". This term means that, the Taranaki Regional Council need not notify a resource consent application or obtain the written approval of affected persons (sections

94(1)(b) of the Act)⁹. Note, however, that **the Council may require an application to be notified, even where a rule states that it may be "non-notified", if the Council considers special circumstances exist in relation to an application.** This power is provided by section 94(5) of the Act.

- **Control:** This column states the matters over which the Taranaki Regional Council reserves control in relation to a controlled activity. The Council is limited to only considering these matters when considering the environmental effects of the activity, and when setting conditions on a resource consent.

When the column is blank the activity is a permitted activity, and no control or discretion can be reserved.

- **Policy references:** The 'policy references' column cross-references the policies in section 4.1 of this Plan that are **generally** relevant to the type of activity governed by that rule.

Policy references are included as a guide to all Plan users, including the Taranaki Regional Council, as to the policies that the Council will consider when deciding a resource consent application.

The policies listed in the policy references column may not include all the policies in the Plan that are relevant to a particular resource consent application, and the Taranaki Regional Council will consider any other policies relevant to the application including policies in the *Regional Fresh Water Plan for Taranaki* relating to the effects of the activity on water.

⁹ *The Taranaki Regional Council will be guided by the procedures for non-notification contained in 'Taranaki Regional Council Resource Consents Procedures Document: A guide for applicants and submitters' (February 1997).*

**RULES
VEGETATION DISTURBANCE**

VEGETATION DISTURBANCE ON EROSION-PRONE LAND

Advisory note: Rules 1 and 2 do not apply to vegetation disturbance associated with plantation forestry activities regulated under the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*. Those regulations¹⁰ prevail over these rules in relation to plantation forestry.

Rule	Activity	Conditions	Classification	Notification	Control	Policy Ref
1	Vegetation disturbance where: <ul style="list-style-type: none"> That disturbance involves a contiguous area of more than 5 hectares carried out within 1 year of commencing that activity; and Any part of that disturbance is on land with a slope greater than 28°. 	<ul style="list-style-type: none"> The Taranaki Regional Council shall be notified in writing that the vegetation disturbance is to occur and the location and timing of that activity, at least 15 working day prior to the commencement of the activity. Vegetation disturbance shall not result in more than 10% of the area of vegetation disturbance being disturbed to the extent that the mineral subsoil is exposed. The area of vegetation disturbance shall be revegetated as soon as practicable after the completion of the activity. Vegetation disturbance shall not give rise to any or all of the following effects in any surface water body, after reasonable mixing: <ul style="list-style-type: none"> The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; Any conspicuous change in the colour or visual clarity; Any emission of objectionable odour; The rendering of fresh water unsuitable for consumption by farm animals; or Any significant adverse effects on aquatic life. All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of the disturbed matter so that it does not result in: <ul style="list-style-type: none"> The diversion, damming or blockage of any river or stream; The passage of fish being impeded; Flooding or erosion; or Any significant adverse effects on aquatic life or instream habitat. All vegetation that is being felled adjacent to a surface water body shall be felled away from the water body (excluding edge vegetation, or vegetation leaning over a 	Permitted			

¹⁰ Regulations prevailing over Rules 1 and 2 of this Plan include Regulations 19-21; 24-35: 51(2); 52; 54(3) & (4); 55; 56; 59; 60(3) & (4); 61(3), (4) & (5); 63(2) & (3); 64-69; 70(3) & (4); 71; 73(2); 74 and 75.