

Section 30 – Biodiversity

30.1 Background

Section 6(c) of the [RMA](#) identifies "the protection of areas of significant [indigenous vegetation](#) and significant habitats of indigenous fauna" as a matter of national importance. Under its functions (Section 31 [RMA](#)) [the Council](#) is also required to control any actual or potential effects of the use, development, or protection of land for the purpose of the [maintenance](#) of indigenous biological diversity.

Where [subdivision](#), use or development is proposed, and resource consent is required under the rules in this Section an ecological assessment using the criteria for determining significance of indigenous biodiversity in the [Waikato Regional Policy Statement](#) will be required. [The Council](#) has an ecological assessment policy setting out the circumstances in which [the Council](#) will pay for these assessments and the process to be followed (refer to Section 6.4).

Note:

Section 76 of the [Resource Management Act 1991](#) requires that a rule in a District Plan may prohibit or restrict the felling, trimming, damaging, or [removal](#) of a tree or tree on a single [urban environment allotment](#) only if in a schedule to [the plan](#):

- a) the tree or trees are described; and
- b) the allotment is specifically identified by street address or legal description of the land, or both.

Section 76 of the [Resource Management Act 1991](#) also requires that a rule may prohibit or restrict the felling, trimming, damaging, or [removal](#) of trees on 2 or more urban [environment](#) allotments only if in a schedule to [the Plan](#):

- a) the allotments are adjacent to each other; and
- b) the trees on the allotments together form a group of trees; and
- c) on which there is a [building](#) used for [industrial](#) or commercial purposes or as a dwellinghouse; and
 - (i) the group of trees is described; and
 - (ii) the allotments are specifically identified by street address or legal description of the land, or both

Urban [environment](#) allotments are defined in section 76 of the Act as:
means an allotment within the meaning of section 218

- a) is no greater than 4,000m²; and
- b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
- c) on which there is a [building](#) used for [industrial](#) or commercial purposes or as a dwellinghouse; and
- d) that is not reserve (within the meaning of section 2 (1) of the [Reserves Act 1977](#)) or subject to a conservation management plan or conservation management strategy prepared in accordance with the [Conservation Act 1987](#) or the [Reserves Act 1977](#).

Therefore, Rules 1 and 2 do not apply to such properties. The District has been assessed to identify properties that may meet the definition of "urban environment allotment" under section 76. These have then been assessed by an ecologist to determine whether they potentially have SNAs on them. Those properties have then been listed on a Schedule and the areas of vegetation mapped in Appendix 6 to the Plan. The Schedule also describes the indigenous vegetation involved. These maps and the descriptions define the particular vegetation on these properties which is subject to Rule 3. The mapping of these areas is also available in the Planning Viewer within the Council's SMART Maps portal. Clearing indigenous vegetation on Urban Environment Allotments that are not listed in Appendix 6 Schedule, or that is outside the potential SNAs identified on properties in the schedule, is a permitted activity by virtue of section 76 of the Act.

30.2 Activity Table and User Information

The Activity Table in this section groups activities under the overlay heading and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R =	Rule
S =	Section
M =	Method

The overlay rules are part of a hierarchy of rules. There may be zone rules, district-wide rules, other overlay rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information). Note that these rules relate to indigenous vegetation clearance throughout the District. There is no corresponding overlay in the Planning Maps for these rules, however Appendix 6 and Appendix 9 provide schedules and associated maps which are relevant to the application of this section.

Activity Table	
Activity	PER (S 30.3)
Clearing <u>indigenous vegetation</u> outside of the <u>Rural Area</u> excluding on Urban <u>Environment</u> Allotments and areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs	R 1
Clearing <u>indigenous vegetation</u> outside of the <u>Rural Area</u> or Conservation Zone excluding on Urban <u>Environment</u> Allotments and areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs.	R 2
Clearing <u>indigenous vegetation</u> on Urban <u>Environment</u> Allotments or in areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs	R 3
Clearing <u>indigenous vegetation</u> associated with commercial forestry	R 4
Non-regulatory method	METHOD
Management of rare flora and fauna species in commercial forests	M 1

Note:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the [New Zealand Electrical Code of Practice 34:2001](#) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Indigenous vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the [Electricity \(Hazards from Trees\) Regulations 2003](#).

30.3 Permitted Activities

Rule 1: Clearing indigenous vegetation outside of the Rural Area excluding on Urban Environment Allotments and areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs

(see NOTE at 30.1 for definition of Urban Environment Allotment)

1. Clearing indigenous vegetation outside of the Rural Area or Conservation Zone, excluding on Urban Environment Allotments and areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs, is a permitted activity provided:
 - a) It is not protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui, (unless the covenant provides for the clearance): and
 - b) Where it is indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation, the sum of all clearance undertaken under g), h), and n) shall not exceed 250 m² in the Coastal Environment and 500 m² outside the Coastal Environment per site per annum; and
 - c) It is necessary to avoid loss of life, injury or serious damage to property; or
 - d) The vegetation to be cleared is within an existing domestic garden, or pasture or horticulture that was established prior to notification of the District Plan on 13 December 2013; or
 - e) It is for the collection of material for traditional Māori cultural practices; or
 - f) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, removing plant pests as identified in the Waikato Regional Pest Management Plan, riparian fencing, including crossings and their approaches that are consented permitted or otherwise authorised by the Waikato Regional Council); or
 - g) It is within 10 m of:
 - i) an existing dwelling; or
 - ii) a proposed dwelling with resource consent; or
 - h) It is within the building platform of a proposed dwelling with resource consent or within a building platform approved at the time of subdivision where that indigenous vegetation clearance has been specifically consented through those consents; or
 - i) It is no more than 5 m wide and is to maintain a driveway to a dwelling of the type described in g) or h) above; or
 - j) It is a strip of no more than 3.5 m wide for land survey work or for maintenance of existing fencelines, or is to maintain existing tracks up to 5 m in width; or

- k) It is a strip of no more than 3.5 m wide to construct new fences for the purpose of stock control or exclusion or for boundary delineation; or
- l) It is within the legal width of an existing formed road (which includes road reserve); or
- m) The work is undertaken or authorised by the Waikato Regional Council and occurs within 10 m of the bed of permanent river, stream, lake or pond, more than 1 m wide; or
- n) It is no more than 5 m either side of lawfully established network utility infrastructure (excluding an existing formed road) or in accordance with the [Electricity \(Hazards from Trees\) Regulations 2003](#); and
 - i) It is for operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility; and
 - ii) it is undertaken or commissioned by the network utility operator; or
- o) It is no more than 500 m² in the Coastal Environment and 2,500 m² outside the Coastal Environment per site per annum and is:
 - i) to create a driveway up to 5 m wide from an existing formed road to a dwelling of the type described in g) or h) above; or
 - ii) for a strip of no more than 5 m wide for new farm tracks; or
 - iii) for clearance of manuka (*leptospermum scoparium* var *scoparium*) or kanuka (*Kunzea ericoides robusta*) for non-commercial domestic use within 18 months of felling:

AND

- iv) Except at crossings and their approaches permitted by Rule 1.1 f), it is not within 10 m of the bed of a permanent river, lake, stream, pond, or a wetland (excluding farm drains); and
 - v) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation.
2. Clearing indigenous vegetation outside of the Rural Area and the Conservation Zone, that is not permitted under Rule 1.1 c) - n) is a restricted discretionary activity.
 3. In relation to 2, the Council restricts its discretion to all the matters in Table 1 at the end of Section 30, except where the clearance is in the Opoutere identified area of significant indigenous vegetation and significant habitat of indigenous fauna. In the Opoutere identified area the Council restricts its discretion to matters 1, 2 and 4 in Table 1 at the end of Section 30.
 4. Clearing indigenous vegetation outside of the Rural Area and the Conservation Zone that is not permitted under Rule 1.1 o) i), ii) or iii) is a restricted discretionary activity.
 5. In relation to 4, the Council restricts its discretion to all the matters in Table 1 at the end of Section 30.
 6. Clearing indigenous vegetation outside of the Rural Area and the Conservation Zone that is not permitted under Rule 1.1 o) iv) is a discretionary activity.
 7. Clearing indigenous vegetation outside of the Rural Area and the Conservation Zone that is not permitted under Rule 1.1 o) v) or because it is protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui (unless the covenant provides for the clearance) is a non-complying activity.

Rule 2: Clearing indigenous vegetation in the Rural Area or Conservation Zone excluding on Urban Environment Allotments and areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs*

(see NOTE at 30.1 for definition of Urban Environment Allotment)

1. Clearing indigenous vegetation in the Rural Area or Conservation Zone, excluding on Urban Environment Allotments and areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* is a permitted activity provided:
 - a) It is not protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui Kawenata, (unless the covenant provides for the clearance); and
 - b) Where it is indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation, the sum of all clearance undertaken under f), j), k) and q) shall not exceed 250 m² in the Coastal Environment and 500 m² outside the Coastal Environment per site per annum; and
 - c) The work is authorised or undertaken by the Waikato Regional Council and is within 10 m of the bed of a permanent river, stream, lake, or pond more than 1 m wide; or
 - d) It is for replanting, managing, maintaining or harvesting existing commercial forestry¹ with an area less than 1 hectare in size, including under-storey clearance and fire break maintenance or fire risk management; or
 - e) It is necessary to avoid loss of life, injury, or serious damage to property; or
 - f) The area to be cleared is:
 - i) existing domestic garden; or
 - ii) horticulture that was established prior to notification of the District Plan on 13 December 2013; or
 - iii) for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm established prior to 13 December 2013, and the vegetation to be cleared is less than 15 years old and 6 m in height; or
 - g) It is for the collection of material for traditional Māori cultural practices; or
 - h) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, removing plant pests as identified in the Waikato Regional Pest Management Plan, riparian fencing, including crossings and their approaches that are consented, permitted or otherwise authorised by the Waikato Regional Council; or
 - i) It is within 10m of:
 - i) An existing dwelling; or
 - ii) A proposed dwelling with resource consent; or

¹ Commercial Forestry with an area of less than 1 hectare does not meet the definition of commercial forestry in the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#). For provisions relating to clearance of indigenous vegetation within commercial forestry with an area greater than 1 hectare please see Rule 4.

- j) It is within the building platform of a proposed dwelling with resource consent or within a building platform approved at the time of subdivision where that indigenous vegetation clearance has been specifically consented through those consents; or
- k) It is no more than 5 m wide and is to maintain a driveway to a dwelling of the type described in i) or j) above; or
- l) It is a strip of no more than 3.5 m wide for land survey work or for maintenance of existing fencelines, or is to maintain existing tracks up to 5 m in width; or
- m) It is a strip of no more than 3.5 m wide to construct new fences for the purpose of stock control or exclusion or for boundary delineation; or
- n) It is within the legal width of an existing formed road (which includes road reserve); or
- o) It is no more than 5 m either side of lawfully established network utility infrastructure (excluding an existing formed road) or in accordance with the [Electricity \(Hazards from Trees\) Regulations 2003](#); and
 - i) it is for the operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility; and
 - ii) it is undertaken or commissioned by the network utility operator; or
- p) It is no more than 500 m² in the Coastal Environment or 2,500 m² outside the Coastal Environment per site per annum and is:
 - i) Clearance of manuka (*leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) for non-commercial domestic use within 18 months of felling;
 - ii) To create a driveway up to 5m wide from an existing formed road to a dwelling of the type described in i) or j) above;
 - iii) A strip of no more than 5 m wide for new farm tracks;

AND

- iv) Except for crossings and their approaches permitted by Rule 2.1 h), it is not within 10 m of the bed of a permanent river, lake, stream or pond or a wetland (excluding farm drains); and
 - v) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation; or
 - q) It is no more than 500 m² in the Coastal Environment or 2,500 m² outside the Coastal Environment per site per annum and is:
 - i) Associated with an activity listed in Appendix 1 of the Waikato Conservation Management Strategy; and
 - ii) Except for crossings and their approaches permitted by Rule 2.1 h), it is not within 10 m of the bed of a permanent river, lake, stream or pond wider than 1m or a wetland (excluding farm drains); and
 - iii) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation.
2. Clearing indigenous vegetation in the Rural Area or Conservation Zone that is not permitted under Rule 2.1 c) - o), Rule 2.1 p), i), ii), iii) or Rule 2.1 q) i) is a restricted discretionary activity.
 3. The Council restricts its discretion to all the matters in Table 1 at the end of Section 30 except where the clearance is within the Opoutere identified area of significant vegetation and significant habitat of indigenous fauna. In the Opoutere identified area the Council restricts its discretion to matter 1, 2 and 4 in Table 1 at the end of Section 30.

4. Clearing indigenous vegetation in the Rural Area or Conservation Zone that is not permitted under Rule 2.1 p) iv) or Rule 2.1 q) ii) is a discretionary activity.
5. Clearing indigenous vegetation in the Rural Area or Conservation Zone that is not permitted under Rule 2.1 p) v) or Rule 2.1 q) iii) or because it is protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui (unless the covenant provides for the clearance) is a non-complying activity.

Rule 3: Clearing indigenous vegetation on Urban Environment Allotments or in areas identified in Appendix 6 Schedule of Urban Allotments with potential SNAs

1. Clearing indigenous vegetation on Urban Environment Allotments that are not listed in Appendix 6 *Schedule of Urban Allotments with potential SNAs* is a permitted activity.
2. Clearing indigenous vegetation on Urban Environment Allotments but outside the areas identified as a potential SNA in Appendix 6 *Schedule of Urban Allotments with potential SNAs* is a permitted activity.
3. Clearing indigenous vegetation in the areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* is a permitted activity provided:
 - a) It is not protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui, (unless the covenant provides for the clearance); and
 - b) Where it is indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation, the sum of all clearance undertaken under e), f), k) and m) does not exceed 50 m² in the Coastal Environment and 100 m² outside the Coastal Environment per site per annum; and
 - c) It is necessary to avoid loss of life, injury, or serious damage to property; or
 - d) The vegetation to be cleared is within an existing domestic garden, or pasture or horticulture that was established prior to notification of the District Plan on 13 December 2013; or
 - e) It is for the collection of material for traditional Māori cultural practices; or
 - f) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, removing plant pests as identified in the Waikato Regional Pest Management Plan, riparian fencing, including crossings and their approaches that are consented permitted or otherwise authorised by the Waikato Regional Council); or
 - g) It is within 10 m of:
 - i) An existing dwelling; or
 - ii) A proposed dwelling with resource consent; or
 - h) It is within the building platform of a proposed dwelling with resource consent or within a building platform approved at the time of subdivision where that indigenous vegetation clearance has been specifically consented through those consents; or
 - i) It is no more than 5 m wide and is to maintain a driveway to a dwelling of the type described in g) or h) above; or
 - j) It is a strip of no more than 3.5 m wide for land survey work or for maintenance of existing fencelines, or is to maintain existing tracks up to 5 m in width; or
 - k) It is a strip of no more than 3.5 m wide to construct new fences for the purpose of stock control or exclusion or for boundary delineation; or
 - l) It is within the legal width of an existing formed road (which includes road reserve); or

- m) The work is undertaken or authorised by the Waikato Regional Council and occurs within 10 m of the bed of a permanent river, stream, lake or pond, more than 1 m wide; OR
- n) It is no more than 5 m either side of lawfully established network utility infrastructure (excluding an existing formed road) or in accordance with the [Electricity \(Hazards from Trees\) Regulations 2003](#); and
 - i) It is for the purpose of maintaining, minor upgrading and operating the network utility infrastructure; and
 - ii) It is undertaken or commissioned by the network utility operator; or
- o) It is no more than 250 m² in the Coastal Environment and 500 m² outside the Coastal Environment per site per annum and is:
 - i) To create a driveway up to 5 m wide from an existing formed road to dwelling of the type described in g) and h) above; or
 - ii) For a strip of no more than 5 m wide for new farm tracks;

AND

- iii) Except at crossings and their approaches permitted by Rule 3.3 f), it is not within 10 m of the bed of a permanent river, lake, stream, pond or a wetland (excluding farm drains); and
 - iv) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation.
- p) It is
- i) Not more than 50 m² per site per annum for clearance of manuka (*leptospermum scoparium* var *scoparium*) or kanuka (*Kunzea ericoides robusta*) for non-commercial domestic use within 18 months of felling;

AND

- ii) Except at crossings and their approaches permitted by Rule 3.3 f), it is not within 10 m of the bed of a permanent river lake, stream, pond or wetland (excluding farm drains); and
 - iii) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation.
4. Clearing indigenous vegetation in the areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* that is not permitted under Rule 3.3 c) - n) is a restricted discretionary activity.
 5. The Council restricts its discretion to all the matters in Table 1 at the end of Section 30.
 6. Clearing indigenous vegetation in the areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* that is not permitted under Rule 3.3 o) i), ii), or p) i) is a restricted discretionary activity.
 7. The Council restricts its discretion to all the matters in Table 1 at the end of Section 30.
 8. Clearing indigenous vegetation in the areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* that is not permitted under Rule 3.3 o) iii), or p) ii) is a discretionary activity.
 9. Clearing indigenous vegetation in the areas identified in Appendix 6 *Schedule of Urban Allotments with potential SNAs* that is not permitted under Rule 3.3 o) iv), or p) iii) or because it is protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui (unless the covenant provides for the clearance) is a non-complying activity.

Rule 4: Clearing indigenous vegetation associated with a commercial forestry activity.

1. Clearing indigenous vegetation associated with a commercial forestry activity that is subject to the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#) is a permitted activity provided:
 - a) The area to be cleared is not within either of the following mapped areas:
 - i) the 'Opoutere Area of significant indigenous vegetation and significant habitat of indigenous fauna' (shown on map 30.5 below); or
 - ii) an area identified in Appendix 9;
 - UNLESS**
 - iii) the clearance complies with Regulation 93 of the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#).
 - b) Outside of the areas identified in 4.1a)i) and ii), the clearance complies with Regulation 93 of the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#).
2. Clearing indigenous vegetation associated with a commercial forestry activity that is not a permitted activity under Rule 4.1 a) is a restricted discretionary activity. The Council restricts its discretion to matters 1, 2 and 4 in Table 1 at the end of Section 30.
3. Clearing indigenous vegetation associated with a commercial forestry activity that is not a permitted activity under Rule 4.1 b) is a restricted discretionary activity. The Council restricts its discretion to the matters identified in Regulation 94(2) of the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#).
4. For the purposes of Rule 4, the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#) definitions of “commercial forestry” and “commercial forestry activity” apply. The definitions in Section 3 of this plan under Forestry Terms do not apply to Rule 4.

Note:

1. *For the avoidance of doubt, Rule 4.1a) does not prevail over:*
 - a) Regulations 93(1) and (2)(d) of the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#) which permit clearance of indigenous vegetation in a significant natural area where the indigenous vegetation is overgrowing a forestry track, if the track has been used within the last 50 years; or
 - b) Regulation 93(5)(c) of the [Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#) which permits incidental damage to a significant natural area in limited circumstances specified in that Regulation.

Method 1: Management of rare flora and fauna species in commercial forests

When undertaking commercial forestry activities, preparing resource consent applications or considering the imposition of consent conditions, applicants and the Council should refer to the guidance provided by the New Zealand Forest Owners Association (<https://rarespecies.nzfoa.org.nz/>) which is designed to assist forest owners and managers to manage rare flora and fauna species in commercial forests.

30.4 Assessment Matters and Criteria

Table 1 – Restricted Discretionary Activity Matters

1. Vegetation clearance (significant and non-significant areas)

- a) Using the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement whether the area is 'significant'.
- b) The extent to which the proposed vegetation clearance will affect the functioning of ecological corridors and linkages, buffers, wetlands, and dune systems.
- c) The extent to which any runoff or storm water resulting from the vegetation clearance, will lead to siltation.
- d) The extent to which vegetation clearance has adverse effects on the natural character of any permanent inland waterbody or wetland outside of the Natural Character Overlay.
- e) The extent to which, the proposed vegetation clearance is necessary for the intended purpose in the proposed location.
- f) The extent to which any threat of increased risk from plant and animal pests will be addressed

2. Vegetation clearance in areas of significant indigenous vegetation and significant habitats of indigenous fauna

- a) Whether the proposed vegetation clearance will result in loss or degradation (including fragmentation and isolation) of areas of significant indigenous biodiversity.
- b) Whether the proposed vegetation clearance will result in loss of habitat that supports or provides a key life function for 'threatened' or 'at risk' indigenous species.
- c) The extent to which unavoidable adverse effects of the proposed vegetation clearance on areas of significant biodiversity can be remedied or mitigated.
- d) Whether residual adverse effects of the proposed vegetation clearance on areas of significant biodiversity that cannot be avoided, remedied, or mitigated can be appropriately addressed through biodiversity offset or environmental compensation measures.
- e) Whether proposed remediation, mitigation or biodiversity offsetting or environmental compensation relates to the indigenous biodiversity that has been lost (whether by on-site or off-site methods).
- f) Whether proposed avoidance, remediation, mitigation, or offsetting measures are appropriate.

3. Vegetation clearance in areas of non-significant indigenous vegetation and non-significant habitats of indigenous fauna

- a) Whether the location, rate, quantity, species, and method of proposed vegetation clearance will maintain or enhance biodiversity values over time.
- b) The extent to which remediation or mitigation can be undertaken to minimise the adverse effects of the vegetation clearance (i.e. replanting, enhancement of remaining vegetation).
- c) Whether significant residual adverse effects of the proposed vegetation clearance that cannot be avoided, remedied, or mitigated, can be adequately and appropriately addressed through biodiversity offset or environmental compensation measures.

4. The effects of clearing indigenous vegetation on the values and characteristics of high natural character. ONFLs.

- a) Whether vegetation clearance for the same purpose could be located outside of the High Natural Character or ONFL area.
- b) Whether the clearance is part of the on-going operation of a farming activity or other lawfully established activity existing at the time Variation 1 was publicly notified (6 November 2015)
- c) The extent to which removal of the vegetation retains the values and characteristics of the natural character area and the values and characteristics of the ONFL area.
- d) Whether the indigenous vegetation has any significant biodiversity value and provides habitat for at risk or threatened species.
- e) The extent to which the vegetation clearance is minimised and whether it is practicable to remedy or mitigate the adverse effects.
- f) The extent to which a buffer or other mitigation works protect wetlands, rivers, and their margins from nearby vegetation clearance.
- g) Whether the effects of the vegetation clearance on natural character and ONFL values and characteristics will be temporary or permanent.

30.5 Opoutere Area

