

IN THE MATTER

of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER

of the proposed Waikato District Plan (Stage 1) – Hearing 21A – Significant Natural Areas

COLLATED AMENDMENTS TO NOTIFIED SIGNIFICANT NATURAL AREA PROVISIONS FROM IN HEARING 21A REPORT AND DIRECTOR-GENERAL OF CONSERVATION'S EVIDENCE

(COLLATED BY JOHN ANDREW RIDDELL)

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1. This is a collation of all the amendments and additions to the objectives, policies, rules definitions and appendices to the proposed Plan that have been identified in the evidence of Mr Riddell for the Director-General of Conservation on topic 21A, Significant Natural Areas.
2. The colour coding used in the document is:

red for amendments recommended in the Hearing 21A Report that are accepted

green for amendments and additions that are provided in the evidence of Mr Riddell

blue for the amendments and alterations to specific Rural Zone rules, and to some definitions, that follow from the Hearing 18 Report and from the evidence of Mr Riddell on Topic 18

underlined amendments and additions and deletions are either the result of further consideration by Mr Riddell following the lodging of his evidence in chief (including responding to the Hearing 21A Rebuttal Report) or show amendments to the provisions recommended in the Hearing 21A Rebuttal Report

3.1 Indigenous Vegetation and Habitats

3.1.1 Objective – Biodiversity and ecosystems

- (a) Indigenous biodiversity values and attributes and the functioning and life-supporting capacity of indigenous ecosystems are maintained or enhanced to work towards achieving a no net loss of biodiversity

3.1.2 Policies

- (a) Enable activities that maintain or enhance indigenous biodiversity including:
 - (i) Planting using indigenous species suitable to the habitat and eco-sourcing these where practical;
 - (ii) the removal or management of pest plant and animal species;
 - (iii) biosecurity works.

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- (b) ~~Consider the following when a~~Avoiding, remedying or mitigating adverse effects on indigenous biodiversity, including by considering:
- (i) the required range of natural food sources;
 - (ii) habitats of threatened and at risk species;
 - (iii) ecological processes and corridors, including for mobile species;
 - (iv) ecological sequences;
 - (v) migratory pathways;
 - (vi) pest plants and pest animals;
 - (via) preventing the spread of plant pathogens and diseases, including kauri dieback disease;
 - (vii) the Waikato river and its catchment;
 - (viii) natural character and landscape values of the area;
 - (ix) natural waterway habitats and hydrology;
 - (x) ecological corridors, natural processes and buffer areas;
 - (xi) legal and physical protection of existing habitat;
 - (xii) *the effects of earthworks on Agathis australis (Kauri)*
- (c) Provide for the removal of manuka or kanuka on a sustainable basis.

3.1.2 A Policy - Management hierarchy

- (a) Recognise and protect indigenous biodiversity outside Significant Natural Areas using the following hierarchy by
- (i) avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats in the first instance;
 - (ii) remedying any effects that cannot be avoided; then
 - (iii) mitigating any effects that cannot be remedied; and
 - (iv) after remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy 3.1.2B

3.1.2B Policy - Biodiversity Offsetting

- (a) Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in significant residual adverse

effects to indigenous vegetation or habitat outside a Significant Natural Area, where

- (i) the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting;
 - (ii) alternative habitat supporting similar ecological aspects is enabled or enhanced.
- (b) If offsetting any significant residual adverse effects in accordance with Policy 3.2.4. is demonstrated to not be feasible then ~~economic~~ environmental compensation may be considered.

3.1.2BA Policy – Long-Tailed Bat Protection

- (a) Avoid, as far as practicable, adverse effects on the habitat of long-tailed bats by:
- (i) recognising that bat habitat includes areas used by long-tailed bats for roosting, breeding, foraging, socialising and commuting;
 - (ii) identifying and retaining known and potential solitary and communal roost trees;
 - (iii) protecting the natural darkness of bat habitat;
 - (iv) recognising that long-tailed bats use both exotic and indigenous vegetation;
 - (v) retaining linear features (such as shelter-belts) and vegetation edges used by bats for navigation and for foraging;
 - (vi) avoiding habitat fragmentation;
 - (vii) recognising the importance of insects to bats for foraging;
 - (viii) providing adequate buffers around bat habitat to provide protection from light intrusion, noise and disturbance;
 - (ix) ensuring commuting routes and linkages are protected and retained;
 - (x) avoiding vehicle-bat collisions;
 - (xi) controlling introduced predators, including domestic cats; and
 - (xii) the timing of works to minimise potential adverse effects on long-tailed bats.

3.1.2BB Policy – Kauri Dieback

- (a) Avoid the risk of the spread of kauri dieback disease from earthworks, including gardening, and from vegetation clearance and pruning by:
- (i) assuming all soil within the kauri root zone is potentially contaminated with kauri dieback pathogen;
 - (ii) adopting a strict clean in-clean out approach for all equipment, machinery and clothing when entering or exiting the kauri root zone;
 - (iii) where earthworks are undertaken within the kauri root zone
 - A the minimum practical area is disturbed, and
 - B disturbed soil stays within the kauri root zone or safely disposed of to an approved disposal facility;
 - (iv) where vegetation removal or pruning of non-kauri species occurs within the kauri hygiene zone, all sawdust and cut vegetation and other organic material that touches the ground is either left within the kauri root zone or collected and safely disposed of to an approved disposal facility;
 - (v) encourage the assessment of kauri dieback management risk elimination or mitigation for all properties with kauri
 - (vi) require domestic gardening, and fence post removal within the kauri hygiene zone to be by using hand held and easy-to clean tools only;
 - (vii) require the development and use of a kauri dieback risk management plan where earthworks and/or vegetation clearance is proposed within a kauri root zone, including
 - A on land parcels where gardens are not urban domestic gardens
 - B where more than one kauri root zone would be required to protect kauri and permit other activity to remain unaffected on a property;
 - C which involve large scale earthworks;
 - D where material cannot be left safely within the kauri root zone but can be accommodated by extension of that zone.

E where earthworks and/or vegetation clearance are by a network utility provider in the vicinity of kauri at several locations within the district;

F where kauri hygiene zones transgress property boundaries

G where the equipment used for gardening, cultivation and fence post replacement in a kauri hygiene zone requires the use of motorised (non-hand-held) equipment or hand-held equipment that is difficult to clean.

3.1.2C Non-Regulatory Policy

The Council will work with landowners to promote the use of non-regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives in protecting and enhancing ecological sites.

3.1.2D Significant Natural Area Assessment Funding Policy

Significant Natural Area Assessment Funding Policy

(1) Council in joint responsibility with Waikato Regional Council will meet the costs of an ecological assessment that shows the area meets one or more of the criteria in Appendix 2: Criteria for Determining the Significance of Indigenous Biodiversity

Guidance Note

Guidance on Kauri Die Back can be found in the Protecting Kauri: A Rural Landowner's Guide produced by Waikato Regional Council and endorsed by Ministry for Primary Industries

3.2 Significant Natural Areas

3.2.1 Objective – Significant Natural Areas

(a) Indigenous biodiversity in Significant Natural Areas is protected and ~~or~~ enhanced.

3.2.2 Policy – Identify and Recognise

(a) Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as being any area that meets one or more of the criteria in Appendix 2 of this Plan. ~~in accordance with~~

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~~the Waikato Regional Policy Statement and identify as Significant Natural Areas~~

- (aa) Recognise that areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Waikato District include both sites identified in the Plan maps as Significant Natural Areas, and sites that are not recorded on the Plan maps.
- (ab) Recognise that significant habitat for indigenous species can include areas of exotic vegetation
- (b) Ensure the values and attributes of any area of significant indigenous vegetation and/or significant habitats of indigenous fauna are not reduced and preferably enhanced. ~~Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.~~

3.2.3 Policy – Functional requirement

- (a) Recognise that activities may have a functional requirement to traverse or locate within a Significant Natural Area where no reasonably practicable alternative exists.

3.2.3 Policy - Management hierarchy

- (a) Recognise and protect the values of indigenous biodiversity within Significant Natural Areas by:
 - (i) avoiding the ~~significant~~ adverse effects of vegetation clearance and the disturbance of habitats ~~unless specific activities need to be enabled~~ in the first instance as far as practicable; then
 - (ii) remedying ~~and/or mitigating~~ any effects that cannot be avoided; then
 - (iii) mitigating any effects that cannot be remedied; and
 - (iv) after remediation or mitigation has been undertaken, offset any ~~significant~~ more than minor residual adverse effects in accordance with Policy 3.2.4.
 - ~~(v) If offsetting any significant residual adverse effects in accordance with Policy 3.2.4. is not feasible then economic compensation may be considered.~~

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3.2.4 Policy – Biodiversity Offsetting

- (a) Allow ~~for a~~ biodiversity offsetting ~~to be offered by a resource consent applicant~~ where an activity will result in ~~significant~~ residual adverse effects on a Significant Natural Area, ~~or on indigenous biodiversity outside such Significant Natural Areas.~~
- (b) Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided ~~to the extent practicable, and then~~ remedied or mitigated in accordance with the hierarchy established in Policy 3.2.3; and
 - (i) the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting; and
 - (ii) the biodiversity offset can achieve no net loss, ~~and preferably a net gain,~~ of indigenous biodiversity:
 - A. preferably in the affected area of Significant Natural Area; or
 - B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located.
 - (iii) ~~recognising that there are limits to the appropriate use of biodiversity offsetting, including because of the irreplaceability or vulnerability of the biodiversity affected.~~

3.2.5 Policy - Biodiversity in the coastal environment

- (a) Avoid the adverse effects of subdivision use and development within Significant Natural Areas of the coastal environment on:
 - (i) indigenous ~~species taxa~~ that are listed as threatened or at risk in the New Zealand Threat Classification System lists
 - (ii) habitats of indigenous species where the species are listed as threatened or at risk, are at the limit of their natural range, or are naturally rare
 - (iii) areas containing nationally-significant examples of indigenous community types
 - (iv) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, and

- (v) areas set aside for full or partial protection of indigenous biological diversity under legislation.

3.2.6 Policy - Providing for vegetation clearance

Subject to ensuring that the values and attributes of any Significant Natural Area are not reduced

- (a) Provide for the limited clearance of indigenous vegetation in Significant Natural Areas when:

- (i) maintaining tracks, fences and farm drains
- (ii) avoiding loss of life injury or damage to property
- (iii) collecting material to maintain traditional Maaori cultural practices
- ~~(iv) collecting firewood for domestic use~~
- (iv) operating, maintaining or minor upgrading existing infrastructure

- (b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for ~~the construction of building platforms, services, access, vehicle parking and on-site manoeuvring and for~~ the development of Maaori Freehold Land by:

- (i) using any existing cleared areas on a site that are suitable to accommodate new development in the first instance;
- (ii) using any practicable alternative locations that would reduce the need for vegetation removal;
- (iii) retaining indigenous vegetation which contributes to the ecological significance of a site, taking into account any loss that may be unavoidable to create a building platform, services, access, vehicle parking and manoeuvring on a site;

~~(iv) Firewood-~~

~~(iv) operating, maintaining or upgrading existing infrastructure~~

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3.2.7 Policy - Managing Significant Natural Areas

- (a) Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:
 - (i) permanently excluding stock through voluntary covenants and conservation subdivisions
 - (ii) undertaking plant and animal pest control
 - (iia) preventing the spread of plant pathogens and diseases, including kauri dieback disease;
 - (iii) retaining and enhancing indigenous vegetation cover
 - (iia) Protecting and enhancing habitat for threatened and at risk species
 - (iv) maintaining and restoring natural wetland hydrology
 - (v) avoiding physical and legal fragmentation
 - (vi) legal protection of Significant Natural Areas through conservation covenants or similar mechanisms
 - (vii) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.

3.2.8 Policy – Incentivise subdivision

- (a) Incentivise subdivision in the Rural Zone ~~when there is that provides~~ for the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.

RULES

NOTE:

The recommended amendments and additions to the earthworks and vegetational clearance rules from the Director-General's submission and evidence on the proposed Plan, are given for 22 Rural Zone.

This is to provide an example of amendments and additions sought to these rules.

These rule amendments and additions should be applied to the equivalent to all other zones.

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The recommended amendments and additions to the Rural Zone rules from the Hearing 18 Report and from the Director-General's evidence to Hearing 18 are included in these rules for completeness. These are shown in blue.

NOT included in the amendments and additions are any changes required because of the National Environmental Standards for Freshwater.

More amendments and additions to rules are set out after the section on the Rural Zone earthworks and vegetation clearance rules.

Rural Zone Earthworks and Vegetation Clearance Rules

22.2.3.1 Earthworks – General

P1 (a) ~~Except as otherwise specified in Rule 22.2.3.2, Rule 22.2.3.3 or Rule 22.2.3:~~
~~Earthworks for:-~~

- (i) Ancillary rural earthworks;
- (ii) A farm quarry where the volume of aggregate ~~extracted~~ does not exceed 1000m³ ~~per in any~~ single consecutive 12 month period;
- ~~(iii) Construction and/or maintenance of tracks, fences or drains;~~
- (iv) Earthworks required to form a building platform that will be subject to a building consent for ~~a residential activity, including accessory buildings~~ where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for residential Development.
- (v) ~~Where they are not within a kauri root zone~~

~~(b) Earthworks ancillary to a conservation activity must meet subject to the following conditions:~~

- ~~(i) Sediment resulting from the earthworks is retained on site through implementation and maintenance of erosion and sediment controls.~~
- ~~(ii) The earthworks are not within 10 metres of a natural wetland.~~

P2 With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1

(a) Earthworks within a site must meet all of the following conditions:

- (i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² ~~ever in~~ any single consecutive 12 month period;
- (ii) The total ~~combined~~ depth of any excavation (~~excluding drilling~~) or filling does not exceed 3m above or below ground level;
- ~~(iia) Take place on land~~ with a maximum slope of 1:2 (1 vertical to 2 horizontal);

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- (iii) Earthworks are setback a minimum of 1.5m from all boundaries;
- (iv) Areas exposed by earthworks are stabilised on completion and re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;
- (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;
- ~~(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.~~
- (vii) Where they are not within a kauri root zone

~~P3 (a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:-~~

- ~~(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.~~
- ~~(ii) Where they are not within a kauri root zone~~

P4 With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1

(a) Earthworks ~~for purposes other than creating a building platform for residential purposes within a site,~~ using imported fill material or cleanfill must meet all of the following conditions:

- (i) Do not exceed a total volume of 200 500m³ in any single consecutive 12 month period;
- (ii) Do not exceed a depth of 1m above natural ground level;
- (iii) The slope of the resulting filled area in stable ground ~~must~~ does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);
- (iv) Fill material is setback a minimum of 1.5m from all boundaries;
- (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the filling earthworks;
- (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;
- ~~(vii) does not divert or change the nature of natural water flows, water bodies or established drainage paths.~~
- (viii) Where they are not within a kauri root zone

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- P5 (a) Earthworks for conservation activities, existing water reticulation or the maintenance of existing tracks, fences or drains within a Significant Natural Area where the activity is not within a kauri root zone must meet all of the following conditions:
- (i) The earthworks must not exceed a volume of 50m³ in a single consecutive 12 month period; and
 - (ii) The earthworks must not exceed an area of 250m² in a single consecutive 12 month period;
 - (iia) Filling using imported fill must not exceed a volume of 20 m³ and a depth of 1.5m;
 - (iii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);
 - (iv) Earthworks are setback 1.5m from all boundaries;
 - (v) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;
 - (vi) Sediment resulting from the earthworks is retained on the site;
 - (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
- P6 (a) On Maaori Freehold Land or Maaori Customary land within a Significant Natural Area, earthworks for a Marae Complex or Papakaainga housing where:
- (i) there is no alternative development area on the site outside of the significant natural area; and
 - (ii) The earthworks do not exceed a volume of 500m³ in a single consecutive 12 month period; and
 - (iii) The earthworks do not exceed an area of 1500m² in a single consecutive 12 month period; and
 - (iv) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;
 - (v) Do not divert or change the nature of natural water flows, water bodies or established drainage paths
 - (vii) Where they are not within a kauri root zone

- RD1 (a) Earthworks **that are not within a kauri root zone and** that do not comply with Rule 22.2.3.1 P1, P2, **P3**, P4 or P5
- (b) Council's discretion shall be limited to the following matters:
- (i) amenity values and landscape effects;
 - (ii) volume, extent and depth of earthworks;
 - (iii) nature of fill material;
 - (iv) contamination of fill material or clean fill;
 - (v) location of the earthworks to waterways, significant indigenous vegetation and habitat;
 - (vi) compaction of the fill material;
 - (vii) volume and depth of fill material;
 - (viii) protection of the Hauraki Gulf Catchment Area;
 - (ix) geotechnical stability;
 - (x) flood risk, including natural water flows and established drainage paths;
 - (xi) land instability, erosion and sedimentation;
 - (xii) **effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;**
 - (xii) **The effects on any kauri tree.**

RD1A Earthworks within a kauri root zone for which there is a Kauri Dieback Risk Management Plan

- (a) The purpose of a Kauri Dieback Disease Risk Management Plan is to set out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease by ensuring that the soil and organic matter from earthworks within the kauri root zone is confined in a larger kauri dieback disease containment zone.
- (b) A Kauri Dieback Disease Risk Management Plan must contain:
- 1. The objectives of the management plan;
 - 2. A map or maps showing:
 - i. The area that the management plan applies to;

- ii. The location of each kauri tree within that area and its associated kauri root zone;
 - iii. Locations where access to the kauri root zone will be prevented (e.g. by fencing off, covering the soil with protective surface);
 - iv. The boundary of the kauri dieback disease containment zone beyond which soil and organic material from a kauri root zone will not be transported;
 - v. Equipment and vehicle cleaning points (which are to be located within the kauri dieback disease containment zone); and
 - vi. Any water bodies, fences, roads, tracks or structures within the kauri dieback disease containment zone.
3. The method by which the boundaries of any kauri root zone and kauri dieback disease containment zone will be clearly marked out;
4. The procedures to be followed to ensure that any vehicles, equipment and personnel are cleaned of all soil and organic material prior to entry into or exit from the kauri dieback disease containment zone;
5. The procedures to be followed to ensure that any soil, sludge or organic material not retained within the kauri root zone is either stored within the kauri dieback disease containment zone or transported in a sealed vehicle to an approved Kauri Dieback Programme landfill;
6. The water management procedures to be used so that:
- i. Washdown occurs at least 30 m from a water course;
and
 - ii Water drains away from any neighbouring kauri trees;
and
 - iii. If the requirement at i. and ii. above cannot be met, washdown water is contained within an impervious bund; and

- iv. If on-site washdown is impracticable, washdown is undertaken at an identified facility where water does not drain into the stormwater system; and
 - v. Washdown of vehicles, machinery, tools and footwear used in a kauri root zone occurs within the area.
- (c) A report must be submitted annually to the Council using templates, forms and/or check-lists provided by the Council, recording all earthworks undertaken in the kauri dieback disease containment zone (including the date, type of equipment and vehicle used, the cleaning procedure followed and the disposal location of all disturbed soil and organic material).
- (d) The Council will review the annual report and may require amendments to the management plan to ensure the continued effectiveness of the management plan.
- (e) The consent holder's annual report shall include any proposed amendment to the management plan. (An amendment to the management plan does not take effect until the Council confirms in writing the amendment meets the requirements in (a) and (b) above).
- (f) Up to date records of all earthworks undertaken in the kauri dieback disease containment zone, since the earthworks reported in the most recent annual report submitted to the Council, must be made available to the Council as soon as practicable after a request for them is received.
- (g) Council's discretion is restricted to the following matters:
 - (i) The extent to which the Kauri Dieback Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease
 - (ii) amenity values and landscape effects;
 - (iii) volume, extent and depth of earthworks;
 - (iv) nature of fill material;
 - (v) contamination of fill material or clean fill;
 - (vi) location of the earthworks to waterways, significant indigenous vegetation and habitat;
 - (vii) compaction of the fill material;

- (viii) volume and depth of fill material;
- (ix) protection of the Hauraki Gulf Catchment Area;
- (x) geotechnical stability;
- (xi) flood risk, including natural water flows and established drainage paths;
- (xii) land instability, erosion and sedimentation.
- (xiii) The effects on the values and attributes of any Significant Natural Area
- (xiv) Land instability, erosion and sedimentation.
- (xv) The functional and operational need for the earthworks

RD2 Earthworks in a Significant Natural Area that are not within a kauri root zone and are for purposes other than the maintenance of existing tracks, fences or drains

Council's discretion is restricted to the following matters:

- (i) The effects on the values and attributes of the Significant Natural Area
- (ii) Land instability, erosion and sedimentation.
- (iii) The functional and operational need for the earthworks
- (iv) Volume, extent and depth of earthworks

RD3 Earthworks on Maaori Freehold Land or Maaori Customary land that are not within a kauri root zone and that does not comply with Rule 22.2.3.1 P6

Council's discretion is restricted to the following matters:

- (i) The effects on the Significant Natural Area
- (ii) Land instability, erosion and sedimentation.
- (iii) Volume, extent and depth of earthworks

D1 Earthworks that do not comply with RD1, RD1A, RD2 or RD3

~~22.2.3.3 Earthworks – Significant Natural Areas~~

~~P1 a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area must meet all of the following conditions:-~~

- ~~(i) The earthworks must not exceed a volume of 50m³ in a single consecutive 12 month period; and~~
- ~~(ii) The earthworks must not exceed an area of 250m² in a single consecutive 12 month period;~~
- ~~(iii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);~~
- ~~(iv) Earthworks are setback 1.5m from all boundaries;~~
- ~~(v) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;~~
- ~~(vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;~~
- ~~(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths~~

~~P2 Filling using imported fill must not exceed a volume of 20m³ and a depth of 1.5m.~~

~~RD1 (a) Earthworks that do not comply with Rule 22.2.3.3 P1 or P2.~~

~~(b) Council's discretion is restricted to the following matters:~~

- ~~(i) The location of earthworks, taking into account waterways, significant indigenous vegetation or habitat;~~
- ~~(ii) The effects on the Significant Natural Area~~

22.2.7 **Indigenous** vegetation clearance inside a Significant Natural Area

P1 (a) Indigenous vegetation clearance in a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ for the following purposes:

- (i) Removing vegetation that endangers human life;
- (ia) **Removing vegetation that endangers or** existing buildings or structures **where the clearing is a maximum of 10 m from existing buildings and structures (other than fences);**

- ~~(ii) Conservation fencing to exclude stock or pests;~~
- (iii) Maintaining existing farm drains where the clearing is a maximum of 5 m on one side of the drain and 1 m on the other side;;
- (iv) Maintaining existing tracks and fences where the maximum width of clearing is 3.5 metres for an existing fence and 5 metres for an existing track; or
- (v) Gathering plants in accordance with Maaori customs and values.
- (vi) **Conservation activities**
- (vii) The total cumulative area cleared under (ia), (iii), and (iv) in any one consecutive 12 month period shall not exceed 500 m²;
- (viii) No clearance under this rule shall occur within a kauri root zone
- (ix) Within any Bat Protection Area any clearance is limited to vegetation with less than 15 cm trunk diameter at breast height.

~~P2 Removal of up to 5m³ manuka and/or kanuka outside of the Coastal Environment or a wetland per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.~~

~~P3 (a) Indigenous vegetation clearance outside of the Coastal Environment for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:-~~

- ~~(i) There is no practicable alternative development area on the site outside the Significant Natural Area; and~~
- ~~(ii) The total indigenous vegetation clearance does not exceed 250m.~~
- ~~(iii) The vegetation clearance is at least 10m from a natural waterbody.~~

P4 (a) On Maaori Freehold Land or Maaori Customary Land **outside the coastal environment**, indigenous vegetation clearance in a Significant Natural Area **for the purposes of development identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)** where:

- (i) There is no alternative development area on the site outside the Significant Natural Area;
- (ii) The following total areas are not exceeded:

- A. 1500m² for a Marae complex, including areas associated with access, parking and manoeuvring;
- B. 500m² per dwelling, including areas associated with access, parking and manoeuvring; and
- C. 500m² for a papakaainga building including areas associated with access, parking and manoeuvring.

- (iii) No clearance under this rule shall occur within a kauri root zone
- (iv) Within any Bat Protection Area any clearance is limited to vegetation less than 15 cm in trunk diameter at breast height.

~~P5 (a) On Maaori Freehold Land or Maaori Customary Land indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:-~~

- ~~(i) Removing vegetation that endangers human life or existing buildings or structures;~~
- ~~(ii) Conservation fencing to exclude stock or pests;~~
- ~~(iii) Maintaining existing farm drains;~~
- ~~(iv) Maintaining existing tracks and fences; or~~
- ~~(v) Gathering plants in accordance with Maaori customs and values.~~

~~P6 Removal of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant~~

P7 Within any Bat Protection Area, the removal of manuka and/or kanuka to maintaining productive pasture complying with the following:

- (i) up to 2000m² per single consecutive 12 month period; and
- (ii) plants are less than 4m in height; and
- (iia) plants are less than 15 years old; and
- (iiaa) plants are less than 15 cm trunk diameter at breast height; and
- (iii) outside of the Coastal Environment; and

- (iii) outside a wetland; and
- (iv) not within a kauri root zone; and
- (iv) more than 10m from a waterbody.

~~P8—The trimming or pruning of indigenous vegetation in a Significant Natural Area which will not directly result in the death, destruction, or irreparable damage of the vegetation.~~

P9 Vegetation clearance of non-indigenous species in a Significant Natural Area, provided that within any Bat Protection Area the vegetation is less than 15 cm trunk diameter at breast height.

D1 Indigenous vegetation clearance in a Significant Natural Area ~~identified on the planning maps or in Schedule 5 (Urban Allotment Significant Natural Areas)~~ that does not comply with one or more conditions in Rule 22.2.7 P1, ~~P2, P3~~, P4, ~~P5~~ or P6 7.

D2 Indigenous vegetation clearance in a Significant Natural Area

D3 Indigenous vegetation clearance inside a Significant Natural Area and inside the coastal environment

D4 Vegetation clearance of non-indigenous species that does not comply with Rule 22.2.7 P9.

22.2.8 Indigenous vegetation clearance - outside a Significant Natural Area

P1 (a) Indigenous vegetation clearance outside a Significant Natural Area ~~and not within a kauri root zone identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ must be for the following purposes:

- (i) Removing vegetation that endangers human life or existing buildings or structures;
 - (ii) Maintaining productive pasture through the removal of up to 1000m² per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, ~~and~~ less than 4m in height, ~~and less than 15 years old~~;
 - (iii) Maintaining existing tracks and fences;
 - (iv) Maintaining existing farm drains;
 - (v) Conservation fencing to exclude stock or pests;
 - (vi) Gathering of plants in accordance with Maaori custom and values;
- or

- (vii) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation **and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance.**
- (viii) **In the Aggregate Extraction Areas, a maximum of 2000m² in a single consecutive 12 month period per record of title**

(ix) Conservation activities

~~P 2 (a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes:-~~

- ~~(i) Removing vegetation that endangers human life or existing buildings or structures;-~~
- ~~(ii) Maintaining productive pasture through the removal of up to 1000m² per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height;-~~
- ~~(iii) Maintaining existing tracks and fences;-~~
- ~~(iv) Maintaining existing farm drains;-~~
- ~~(v) Conservation fencing to exclude stock or pests; or-~~
- ~~(vi) Gathering of plants in accordance with Maaori custom and values.-~~

P3 (a) On Maaori Freehold Land or Maaori Customary Land, the clearance of indigenous vegetation clearance outside a Significant Natural Area **identified on the planning maps or in Schedule 30.5 Urban Allotment Significant Natural Areas** must not exceed:

- (i) 1500m² for a Marae complex including associated access, parking and manoeuvring;
- (ii) 500m² per dwelling including associated access, parking and manoeuvring; and
- (iii) 500m² for a papakaainga building including associated access, parking and manoeuvring.
- (iv) **And there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance.**
- (v) **And is not within a kauri root zone**

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- P4 Indigenous vegetation clearance associated with gardening outside a Significant Natural Area that is not within a kauri root zone
- P5 Vegetation clearance of non-indigenous species, including clearance associated with gardening, outside a Significant Natural Area and that is not within a kauri root zone
- RD1 (a) Indigenous Vegetation clearance outside a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ that does not comply with one or more conditions of Rule 22.2.8 P1, ~~P2 or~~ P3, P4 or P5.
- (b) Council's discretion is restricted to the following matters:
- (i) the extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats, ~~including the loss of corridors or connections that link indigenous ecosystems and habitat and the loss of buffering of indigenous ecosystems;~~
 - (ii) the extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;
 - (iia) the extent to which clearance will be undertaken in a way that avoid the risk of the spread of kauri dieback disease
 - (iii) the ~~extent to which~~ cumulative effects of the vegetation clearance ~~have been considered and addressed;~~
 - (iv) the extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;
 - (v) the extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes.
 - (vi) ~~The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects~~
- RD2 Indigenous vegetation clearance outside a Significant Natural Area for any reason not specified in P1- P5

(b) Council's discretion is restricted to the following matters:

- (i) the extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;

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- (ii) the extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;
- (iii) the cumulative effects of the vegetation clearance;
- (iv) the extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;
- (v) the extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes.
- (vi) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects

Other Amendments to Rules, All Zones

- A. The following matter of control or discretion be added to controlled or restricted discretionary land use and subdivision rules in the proposed Plan:

Effects on the values and attributes of any Significant Natural Area.

- B. The insertion of a further performance standard in the permitted activity land use rules and controlled activity subdivision rules in all zones that occur within any Bat Protection Area:

The activity is not within a long-tailed bat Significant Natural Area Bat Protection Area

- C. The insertion of a further restricted discretionary activity rule applying to land use activities and subdivision in all zones that occur within any Bat Protection Area where the performance standard in B is not met, with a matter of control being:

Any actual and potential effects on long-tailed bats and their habitat

Note that this rule would apply in addition to any other rules applying to the activity, not in replacement of any other rules.

- D. The insertion of the further matter of control or discretion applying to controlled and restricted discretionary land use and subdivision rules applying to sites located outside any Bat Protection Area:

Any actual and potential adverse effects on long-tailed bats and their habitat

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- E. The insertion of the following permitted activity rule in all zones where plantation forestry occurs:

Vegetation clearance within plantation forests

Vegetation clearance within plantation forests is a permitted activity if

- (a) the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 are complied with;
- (b) no vegetation clearance can occur within a kauri hygiene root zone;
and
- (c) it is not with a ~~long-tailed bat Significant Natural~~ Bat Protection Area.

- F. The insertion of the following restricted discretionary activity rule in all zones where plantation forestry occurs:

(a) Vegetation clearance within plantation forestry that does not comply with the permitted activity rule is a restricted discretionary activity.

(b) Discretion is restricted to:

(i) the adequacy of measures to avoid the risk of kauri dieback disease;

(ii) any actual and potential adverse effects on long-tailed bats and their habitat

- G. The insertion of a further standards and rules, as necessary, in relation to earthworks and vegetation clearance activities within, and within 10 metres of, a natural wetland as provided for the in the National Environmental Standards for Freshwater. Note that the National Environmental Standards for Freshwater apply to the clearance of exotic as well as indigenous vegetation.

DEFINITIONS

Bat Protection Area

A Significant Natural Area that is identified and mapped as habitat for long-tailed bats. For the avoidance of doubt, a Bat Protection Area can overlay Significant Natural Areas meeting other 'significance' criteria listed in Appendix 2.

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Biodiversity Offsetting

~~Biodiversity offsets are measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.~~

Biodiversity offset – A measurable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. The goal of a biodiversity offset is to achieve a no-net-loss, and preferably a net-gain, of indigenous biodiversity values. To qualify as a biodiversity offset, the action taken to secure the biodiversity gains must adhere to a set of principles that include limits to offsetting, no net loss, equivalence, additionality, and permanence.

Conservation Activities

~~Means activities associated with indigenous habitat, wetlands and wildlife management protection, and restoration and rehabilitation that fundamentally benefit indigenous biodiversity or raise public awareness of indigenous biodiversity values. This includes stock exclusion, research and monitoring, the establishment, maintenance or upgrading of public walking or cycle tracks, interpretive and directional signs, accessory buildings including those for tourism, interpretation or education purposes and the provision of access for plant or animal pest management.~~

Earthworks (if National Planning Standard definition is adopted)

~~earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but except within the kauri root zone, excludes gardening, cultivation, and disturbance of land for the installation of fence posts.~~

Environmental Compensation

~~Environmental compensation comprises actions offered as a means to address residual adverse effects on the environment arising from~~

~~project development that are not intended to result in no net loss or a net gain of biodiversity on the ground.~~

Environmental Compensation – positive actions (excluding biodiversity offsets) to compensate for residual adverse biodiversity effects arising from activities after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been applied.

Kauri root zone

the area within three times the maximum radius of the drip line of the New Zealand kauri tree

Indigenous vegetation

Means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance. For the purposes of this plan, domestic or ornamental ~~/landscaping landscape~~ planting or planted shelter belts comprising indigenous species are not included unless within a long-tailed bat Significant Natural Area Bat Protection Area

Significant Natural Area

Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps ~~or that meets one or more of the criteria in Appendix 2 Criteria for Determining Significance of Indigenous Biodiversity.~~

The Hamilton Basin Ecological Area

The Hamilton Basin Ecological Management Area is a spatial overlay which forms part of the management of ecological areas within the Waikato Region. The purpose of the inclusion of this overlay within the proposed district plan is that it provides a spatial representation of where the rules for Conservation lot subdivision applies.

Appendices

Appendix 2 – Criteria for Determining Significance of Indigenous Biodiversity

~~The Appendix does not apply to plantation forestry~~

Appendix 6 – Biodiversity Offsetting

The Ministry for the Environment has produced Guidance on Good Practice Biodiversity Offsetting that provides guidance when offsetting is an option.

2. Biodiversity Offsetting Framework

1. *Restoration, enhancement and protection actions offered by an applicant will only be considered a biodiversity offset where they are used to offset the anticipated reasonably-measurable residual effects of activities that are likely to remain after appropriate avoidance, remediation and mitigation measures actions have been applied occurred in accordance with Policy 3.2.3.*
 2. *A proposed biodiversity offset will contain an qualitative quantitative assessment of losses and gains commensurate with the scale of effects of the activity, and should demonstrate the manner in which no net loss can be achieved*
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