

SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

OBJECTIVES AND POLICIES

Objective

Land use and development activities are managed to:

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) maintain and enhance indigenous biodiversity outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- c) recognise and provide for the national significance of the Waitaki Power Scheme and the National Grid when managing effects on indigenous biodiversity arising from the development, operation, maintenance or refurbishment of those utilities while achieving (a) and (b) as far as practicable.

Policies

- 1 To assess and identify areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the criteria listed in Appendix 3 of the Canterbury Regional Policy Statement.
- 2 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by ensuring that land use and development, agricultural conversion and topdressing and oversowing:
 - a) avoids the clearance of significant indigenous vegetation or any reduction in its extent (including through edge effects); and
 - b) avoids adverse effects on significant habitats of indigenous fauna; unless:
 - i. permitted under Rule 1.1.1 or Rule 2.1.1; or
 - ii. managed under Policy 2A.

- 2A** In Te Manahuna/the Mackenzie Basin, to manage the maintenance of pasture by:
- a) topdressing or oversowing at any location where this has been lawfully undertaken within the previous 15 years; and/or
 - b) the clearance of matagouri, bracken and manuka, that is less than 1.5 metres in height, where the clearance is at a location that has been lawfully cleared within the previous 20 years –
- taking into account each of the following:
- i the cyclical nature of these methods of clearance and their impacts on indigenous biodiversity;
 - ii the importance of allowing for the continuation of pastoral farming;
 - iii the impact that other threats to indigenous biodiversity may have on the indigenous biodiversity values; and
 - iv the value in a partnership approach to the management of indigenous biodiversity, including:
 - A. improvement to the knowledge base around ecological information;
 - B. understanding of the interaction of farming systems and indigenous ecosystems; and
 - C. enabling ongoing monitoring of biodiversity values, and adaptive management where adverse effects on significant biodiversity values arise over time.
- 2B** Recognise the stewardship role of landowners and the contribution this makes to maintaining and enhancing indigenous biodiversity values, including managing threats to indigenous biodiversity from pest plants and animals.
- 3** Outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, to ensure that indigenous biodiversity is maintained or enhanced by:
- a) avoiding adverse effects on indigenous vegetation and habitats of indigenous fauna as far as practicable; then
 - b) remedying any adverse effects that cannot be avoided; then
 - c) mitigating any adverse effects that cannot be remedied; then
 - d) offsetting more than minor residual adverse effects in accordance with Policy 4.

- 4 For any indigenous biodiversity offsets apply the following criteria:
- a) where an adverse effect on indigenous biodiversity is required to be avoided in accordance with Policy 2, indigenous biodiversity offsetting cannot be used;
 - b) offsetting is not appropriate where:
 - i. there are more than minor residual adverse effects in the values or extent of irreplaceable or vulnerable indigenous biodiversity; or
 - ii. the effects of the proposed activity on indigenous biodiversity are uncertain, unknown or little understood, but potentially significantly adverse;
 - c) the more than minor residual adverse effects on indigenous biodiversity are capable of being offset to ensure no net loss of indigenous biodiversity;
 - d) where the area to be offset is identified as a national priority for protection in accordance with Policy 9.3.2 of the Canterbury Regional Policy Statement 2013 or its successor, the offset must deliver a net gain for indigenous biodiversity;
 - e) there is a strong likelihood that the offsets will be achieved in perpetuity;
 - f) where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity;
 - g) The offset applies as close as possible to the site incurring the effect, recognising that benefits can diminish with distance from the site;
 - h) The offset re-establishes or protects the same type of ecosystem or habitat that is adversely affected;
 - i) The offset is additional to what otherwise would occur in the absence of the offset, and additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity on indigenous biodiversity; and
 - j) The offset describes and measures indigenous biodiversity at the impact and offset sites using calculations that allow for indigenous biodiversity losses and gains to be quantified.
- 5 Despite Policy 2 and 3, to manage effects on indigenous biodiversity in a way that recognises the national significance of the Waitaki Power Scheme, the National Grid and the Opuha Scheme by:
- a) Enabling the clearance of indigenous vegetation where the clearance is essential for:
 - i. Emergency works;
 - ii. The operation, maintenance or refurbishment of the Waitaki Power Scheme, where:
 - A. The operation, maintenance or refurbishment is within the Scheme's existing footprint or core sites;

- B. The operation or maintenance is outside the Scheme’s existing footprint or core sites but is within the Scheme’s operating easement and does not include the formation of new vehicle tracks other than when necessary for erosion control works;
- C. The refurbishment is outside the Scheme’s existing footprint or core sites but is within the Scheme’s operating easement and the clearance is not within an area of significant indigenous vegetation or significant habitats of indigenous fauna;
- iii. The operation, maintenance or upgrade of the National Grid on its existing alignment;
- iv. The operation, maintenance or refurbishment of the Opuha Scheme, where the refurbishment is not within an area of significant indigenous vegetation or significant habitat of indigenous fauna; and
- b) Providing for the clearance of indigenous vegetation where the clearance is for the development or refurbishment of renewable energy generation and the electricity transmission network for the Waitaki Power Scheme, National Grid and Opuha Scheme that is not otherwise provided for in a) above, while
 - i. having particular regard to:
 - A. the location of existing structures and infrastructure and the need to locate the generation activity where the renewable energy resource is available; and
 - B. the logistical, technical and operational constraints associated with the activity; and
 - C. the importance of maintaining and increasing the output from existing renewable electricity generation activities;
 - ii. applying the following effects management hierarchy:
 - A. Avoiding adverse effects on indigenous vegetation and habitats of indigenous fauna as far as practicable, then
 - B. where adverse effects cannot be avoided they are remedied where practicable, then
 - C. where adverse effects cannot be remedied they are mitigated where practicable
 - D. in relation to adverse effects that cannot be avoided, remedied or mitigated, have regard to offsetting that accords with Policy 4 and/or biodiversity compensation that accords with Schedule Z for any more than minor residential adverse effects.

- 6** To enable land use and development at an on-farm level, through a Farm Biodiversity Plan, where comprehensive and expert identification of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with:

 - a) the long-term protection of significant indigenous vegetation and significant habitats of indigenous fauna;
 - b) the maintenance of other indigenous biodiversity; and
 - c) opportunities for enhancement of indigenous biodiversity, where appropriate.
- 7** To consider a range of mechanisms for securing protection of significant indigenous vegetation and significant habitats of indigenous fauna, including resource consent conditions, management agreements and covenants.
- 8** To recognise and provide for activities, including voluntary initiatives, that contribute towards the protection, maintenance or enhancement of indigenous biodiversity.

RULES

INDIGENOUS VEGETATION CLEARANCE

Note: The rules in this chapter apply to any indigenous vegetation clearance, including clearance undertaken as part of another activity, and apply in addition to the provisions in other sections of this Plan, including Section 16.

Rule 1 - Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme

1.1 Permitted Activities – Indigenous Vegetation Clearance

- 1.1.1 Clearance of indigenous vegetation is a permitted activity provided one or more of the following conditions are met:
1. The clearance is within 2m of, and for the purpose of:
 - a) the maintenance or repair of, existing: fence lines, vehicle tracks, roads, stock tracks and crossings, firebreaks, drains, ponds, dams, stockyards, farm buildings, water troughs and associated reticulation piping, or airstrips; or
 - b) activities permitted by Rule 16.1.1.(j).
 2. The clearance is of indigenous vegetation which has been planted and is managed specifically for the purpose of harvesting and subsequent replanting of plantation forest within 5 years of harvest and the clearance is not within a location specified in Rule 1.3.2; or
 3. The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance and the clearance is not within a location specified in Rule 1.3.2; or
 4. The clearance is of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt; or
 5. The clearance is of indigenous vegetation carried out by or on behalf of a local authority for erosion and flood control works, including within 75m of a lake, 20m of the bank of a river, or 50m of any wetland;
 6. The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or

7. The clearance is of indigenous vegetation on an area of land that is currently irrigated, for the purpose of farming activities, where all necessary resource consents for irrigation are being lawfully exercised on that area of land, provided that:
 - a) Prior to the clearance of indigenous vegetation a map (if not previously provided under this rule) of the area of land that is currently lawfully irrigated shall be provided to Council.
8. The clearance is of indigenous vegetation that is necessary to remove the pest plants in (a) and (b) where pest plants are removed by the pulling out, felling, cutting including mulching of individual pest plants, spot or target spraying onto the basal bark or leaves of the target pest plants, excluding boom spraying (refer Rule 1.2.5):
 - a) any pest plants identified in the Canterbury Regional Pest Management Plan, or
 - b) ash, barberry, boxthorn, buddleia, false tamarisk, hawthorn, holly, Chinese privet, rowan, silver birch, sycamore, cotoneaster, alders, horehound, thistles, nettles and ivy species, sweet briar, burdock, ragwort, blackberry (wild aggregates), barley grass, tree lupin and willow.
9. The clearance is of indigenous vegetation outside Te Manahuna / the Mackenzie Basin and within existing crop or pasture and is for the purpose of maintaining the existing crop or pasture (but excluding expansion or intensification), where:
 - a) the indigenous vegetation has grown since a previous lawful clearance; and
 - b) the indigenous vegetation is both less than 15 years in age and has established since 2012; and
 - c) it is outside the following locations:
 - i. An area listed in Appendix I as a Site of Natural Significance
 - ii. Above 900m altitude
 - iii. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.
 - iv. Within 50m of limestone outcrops and their associated depositional slope.

1.X. Controlled Activity - Indigenous Vegetation Clearance

1.X.1

1. In Te Manahuna / Mackenzie Basin, indigenous vegetation clearance ('maintenance vegetation clearance') by each of the following means is a controlled activity, provided the conditions in subclause (2) are met:
 - a) topdressing or oversowing; and/or
 - b) clearance of matagouri, bracken and manuka, that is less than 1.5 metres in height.

2. The conditions referred to in subclause (1) are as follows:
 - a) if the proposed maintenance vegetation clearance includes topdressing or oversowing, that topdressing or oversowing is on an identified part of any site(s) where it has been lawfully undertaken within the previous 15 years;
 - b) if the proposed maintenance vegetation clearance includes clearance of matagouri, bracken and manuka, that clearance is at a location that has been lawfully cleared of any such species within the previous 20 years;
 - c) property maps are provided with the application showing the spatial extent of where maintenance vegetation clearance is proposed within the site/s;
 - d) information is provided with the application which describes the specific Vegetation Clearance activities and the farm management cycle and/or regime that has previously been lawfully undertaken;
 - e) the consent application shall be for a term of no more than 20 years.

Matters Subject to Council's Control:

- i. Measures to ensure that maintenance vegetation clearance does not include any material change from what previously lawfully occurred with respect to the methodology, cycle and/or average frequency, and, for oversowing and/or topdressing, the intensity of application;
- ii. Measures to ensure that maintenance vegetation clearance does not extend the geographic footprint of what previously lawfully occurred;
- iii. Measures to protect any identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, while still reasonably allowing for maintenance vegetation clearance for the purposes of the continuation of pastoral farming;
- iv. Measures to ensure 'before, during and after' monitoring and reporting of representative change in the state of indigenous vegetation biodiversity resulting from exercise of the consent that:
 - A. requires monitoring and reporting of baseline conditions concerning indigenous biodiversity prior to the exercise of consent; and
 - B. requires further monitoring and reporting to assess whether indigenous biodiversity is being maintained, at subsequent intervals of not less than five yearly intervals (or at any more frequent intervals of any topdressing or oversowing), during the term of the consent;
 - C. requires each such report on the outcome of monitoring to be provided to the Council before 1 February the following year;

- D. requires final monitoring and reporting, prior to and within 6 months of, the expiration of the term of the consent;
 - E. reasonably satisfies the Council as being fit for purpose; and
 - F. where the proposed maintenance vegetation clearance includes topdressing or oversowing, satisfies the further requirements in subclauses v. and vi;
- v. Where the proposed maintenance vegetation clearance includes topdressing or oversowing, monitoring and reporting must:
- A. use plotted GPS transects, not less than five 15m transects per 250ha within the area of each of the site(s) for which consent is sought for maintenance vegetation clearance and an additional one 15m control transect outside each of those site(s); and
 - B. provide at least five 1m x 1m vertical ground cover photographs taken in October or November at 3m intervals along each transect identified at A;
- vi. The review of conditions at intervals corresponding to when each report on monitoring is due under consent conditions or is received;
- vii. Whether a longer lapse date than 5 years is required for the implementation of the consent.

Advice notes:

1. With respect to Standard 2, relevant information as to the specific Vegetation Clearance activities and the farm management cycle and/or regime that has previously been lawfully undertaken may without limitation include:
 - a. information concerning the location, nature, frequency and/or methods of clearance used and proposed to be used including maps or plans concerning the specific area or areas the subject of the application, field, farm and/or diary notes, supplier invoices and/or other records;
 - b. details of the pasture species which are within any areas that have been oversown and/or topdressed.
2. A digital camera (including a smartphone) is suitable for capturing photographs at (v)(B) provided images are of suitable resolution.

1.X.2 The clearance of indigenous vegetation associated with topdressing and oversowing to manage wilding conifers within Wilding Conifer Overlay areas is a controlled activity, provided the following conditions are met:

1. The activity is undertaken within the Wilding Conifer Removal Overlay or Wilding Conifer Management Overlay included on the Planning Maps; and

2. The activity is not undertaken within a Site of Natural Significance as identified in the planning maps.

Matters Subject to Council's Control:

- i. The adverse effects on significant indigenous biodiversity and landscape values.
- ii. The exclusion of areas to manage adverse effects on significant indigenous biodiversity and landscape values, including any Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas and Geopreservation Sites.
- iii. The frequency and rate of topdressing and oversowing required to support a stocking rate of no more than 3 stock units per hectare to remove emergent wilding conifer seedlings in the short to medium term.
- iv. The duration of consent required to control emergent wilding conifers seedlings before returning the land to extensive high country pastoral grazing, conservation activity or other permitted activity.
- v. The extent to which the activity satisfies the Landscape Guidelines in NFL-SCHED3.
- vi. The extent and location of any new fencing required to facilitate stocking rates as an effective tool for emergent wilding conifer control whilst preventing mobstocking.

1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

1.2.1 *Intentionally blank*

1.2.2 Except where specified as a permitted, controlled or restricted discretionary activity within Section 19, the clearance of up 5000m² of indigenous vegetation within a site, or per 100ha where a site is greater than 100ha, in any 5-year continuous period is a restricted discretionary activity provided the following conditions are met:

1. The clearance is not within a location specified in Rule 1.3.2.
2. A Farm Biodiversity Plan is prepared in accordance with Appendix Y for the farming operation and submitted with the application for resource consent.

The Council will restrict its discretion to the following matters:

1. The adequacy of and implementation of the Farm Biodiversity Plan;
2. The area of indigenous vegetation to be cleared and the reasons for the intended clearance;
3. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;

4. Managing edge effects;
5. Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
6. Any technical or operational constraints on the activity necessitating the clearance of indigenous vegetation;
7. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, managing the indigenous vegetation clearance to, as far as is practicable, avoid adversely affecting those features, landscapes, sites or areas;
8. The adequacy of monitoring and reporting;
9. The review of conditions; and
10. Consent duration.

1.2.3 The clearance of indigenous vegetation within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, for the purpose of installing a fence to exclude stock, is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- i. The location of the fence.
- ii. Managing the effects of the intended clearance of indigenous vegetation.

1.2.4 The clearance of indigenous vegetation outside Te Manahuna / the Mackenzie Basin which is:

1. not permitted by Rule 1.1.1.9; and
 2. not within an area listed in Rule 1.1.1.9 c) or an area of significant indigenous vegetation or significant habitat of indigenous fauna,
- is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- i. The area of indigenous vegetation to be cleared and the reasons for the intended clearance;
- ii. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- iii. Managing edge effects;
- iv. Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
- v. Any technical or operational constraints on the activity necessitating the clearance

of indigenous vegetation;

- vi. Where the clearance is within an Outstanding Natural Feature or Landscape, managing the indigenous vegetation clearance to, as far as is practicable, avoid adversely affecting those features, landscapes, sites or areas;
 - vii. The adequacy of monitoring and reporting;
 - viii. The review of conditions; and
 - ix. Consent duration.
- 1.2.5 The clearance of indigenous vegetation that is necessary to remove the pest plants identified in (a) or (b) through the use of boom spraying application (including helicopter boom spraying), is a restricted discretionary activity:-
- a) any pest plants identified in the Canterbury Regional Pest Management Plan, or
 - b) alders, ash, barberry, boxthorn, hawthorn, sweet briar and willow.

The Council will restrict its discretion to the following matters:

- i. The area of plant pest infestation to be cleared and the reasons for the intended clearance through the use of boom spraying, including whether alternative methods are required in sensitive locations;
- ii. Methods proposed to control reinfestation, including any need for more intensive practises to be undertaken in the period following the clearance.
- iii. Whether the clearance activity enables the ongoing use of existing farming practices in a manner, and at a same or similar scale, character and intensity, at which the land has previously been farmed beyond the initial period following the clearance;
- iv. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- v. Methods or limitations to avoid, remedy or mitigate adverse effects on indigenous biodiversity in particular to reduce risk from spray drift during application;
- vi. Any positive effects on indigenous biodiversity resulting from the clearance of the pest plants.
- vii. The adequacy of monitoring and reporting.
- viii. The review of conditions;
- ix. Consent duration.

Notification:

Any application under Rule 1.2.5 will not require the written approval of other persons and shall be non-notified.

- 1.2.6 The clearance of indigenous vegetation by cultivation, where cultivation has been lawfully undertaken within the previous 20 years, and the clearance is not within a location specified in Rule 1.3.2 is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- i. Measures to ensure that the proposed cultivation is the same or similar in scale, character, intensity and frequency as the previous lawfully undertaken cultivation.
- ii. Measures to ensure that the proposed cultivation is within the same location as the previous lawfully undertaken cultivation.
- iii. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- iv. Managing edge effects;
- v. Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
- vi. Any technical or operational constraints on the activity necessitating the clearance of indigenous vegetation;
- vii. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, managing the indigenous vegetation clearance to, as far as is practicable, avoid adversely affecting those features, landscapes, sites or areas;
- viii. The adequacy of monitoring and reporting;
- ix. The review of conditions; and
- x. Consent duration.

Notification:

Any application under Rule 1.2.6 will not require the written approval of other persons and shall be non-notified.

- 1.2.7 In Te Manahuna / Mackenzie Basin, the clearance of indigenous vegetation clearance ('maintenance vegetation clearance') by each of the following means, which does not comply with one or more of the conditions in Rule 1.X.1, is a restricted discretionary activity:
- a) topdressing or oversowing; and/or

- b) clearance of matagouri, bracken and manuka, that is less than 1.5 metres in height.

The Council will restrict its discretion to the following matters:

- i. The location, method, cycle/average frequency of the proposed maintenance vegetation clearance, and in addition for oversowing and/or topdressing, what is to be applied;
- ii. The actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- iii. Edge effects;
- iv. Methods to avoid, remedy or mitigate adverse effects on significant indigenous biodiversity so as to maintain the indigenous biodiversity values over time, alongside continuation of pastoral farming;
- v. Any positive effects on indigenous biodiversity;
- vi. Monitoring and reporting;
- vii. The review of conditions; and
- viii. Consent duration.

Notification:

Any application under Rule 1.2.7 will not require the written approval of other persons and shall be non-notified.

1.3 Non-Complying Activity – Indigenous Vegetation Clearance

The following activities are Non-complying activities:

- 1.3.1 Any indigenous vegetation clearance not categorised as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity.
- 1.3.2 Any indigenous vegetation clearance in the following locations, unless specified as a permitted activity under Rule 1.1.1.1, 1.1.1.5, 1.1.1.6, 1.1.1.7, 1.1.1.8 or 1.1.1.9 or 1.1.1.10, a controlled activity under Rule 1.X.1, or a restricted discretionary activity under Rule 1.2.3, 1.2.5, 1.2.7 or 1.2.8:
 1. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna.
 2. Above 900m in altitude.
 3. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.

2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER SCHEME, THE NATIONAL GRID OR THE OPUHA SCHEME

2.1 Permitted Activities – Indigenous Vegetation Clearance

- 2.1.1 The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme is a permitted activity where one or more of the following conditions are met:
1. The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme, the National Grid or the Opuha Scheme; or
 2. The clearance meets the conditions in Rule 1.1.1, or
 3. The clearance is required for the operation or maintenance of the Waitaki Power Scheme within the following areas;
 - i. The existing footprint of the Waitaki Power Scheme.
 - ii. On core sites associated with the Waitaki Power Scheme.
 - iii. On areas covered by an operating easement associated with the Waitaki Power Scheme, but excluding:
 - A. aerial spraying within the Tekapo River, Pukaki River and lower and upper Opuha River; or
 - B. the forming of new vehicle tracks or roads, other than for vehicle access or carry out erosion control; or
 4. The clearance is required for the refurbishment of the Waitaki Power Scheme and is located within the following areas:
 - i. The existing footprint of the Waitaki Power Scheme; or
 - ii. On core sites associated with the Waitaki Power Scheme; or
 5. The clearance is required for the refurbishment of the Waitaki Power Scheme, and is located outside of the existing footprint or core sites but within the operating easement, and outside of significant indigenous vegetation and significant habitats of indigenous fauna; or
 6. The clearance is required for the operation, maintenance or upgrade of the National Grid on its existing alignment; and
 7. The clearance is required for:
 - i. the operation or maintenance of the Opuha Scheme; or
 - ii. the refurbishment of the Opuha Scheme where it is located outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.

2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

2.2.1 The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme that does not comply with Rule 2.1.1 is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- (a) Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Waitaki Power Scheme, the National Grid or the Opuha Scheme;
- (b) The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or significant habitats of indigenous fauna, and values outside of these areas that are particularly important for ecosystem connectivity, function, diversity, and integrity;
- (c) Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological functions (including connectivity, function, diversity and integrity) expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- (d) Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset or compensate for more than minor residual effects on indigenous biodiversity;
- (e) Any technical or operational constraints associated with the proposed activity requiring vegetation clearance;
- (f) The benefits the proposed activity provides to the local community and beyond;
- (g) The adequacy of monitoring;
- (h) The review of conditions; and
- (i) Consent duration.