

ECO – Ecosystems and indigenous biodiversity [000049, 000078, 000055, 000036]

The relevant area specific zone chapter provisions apply in addition to this chapter.

Overview

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live.

The largest tracts of indigenous vegetation in the District are in the GRUZ – General rural zone.

The Resource Management Act 1991 (RMA) requires the Council to manage indigenous biodiversity in two particular ways. Firstly, the Council has the ability to control any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, the Council is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The District Plan achieves this by identifying and mapping Significant Natural Areas and applying rules which control the clearance of indigenous vegetation in these areas. There are rules that apply to the clearance of indigenous vegetation outside Significant Natural Areas as well, but these are more permissive. A District Plan user should refer to the planning maps for the location of Significant Natural Areas.

Significant Natural Areas are also protected by mechanisms outside the District Plan such as indigenous vegetation that is protected by private covenants or public ownership. Of these, the Queen Elizabeth II National Trust protects approximately 10,000ha and the Department of Conservation manages approximately 23,000ha. Approximately 37,000 hectares is, however, held in private hands, such that the District Plan plays a pivotal role in its management.

Objectives

Significant Natural Areas

ECO-01 Significant Natural Areas. [000049, 000078, 000055, 000036] {000047, 000051, 000063, 000073, 000064}

Indigenous biodiversity in Significant Natural Areas is protected or enhanced.

Indigenous vegetation and habitats

ECO-02 Biodiversity and ecosystems. [000049, 000078, 000055, 000036] {000047, 000064}

Indigenous biodiversity and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.

Policies

Significant Natural Areas

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- ECO-P1 Identify. [000049, 000078, 000055, 000036, 000047] {000064}
- Identify and map areas of significant indigenous vegetation and habitats of indigenous fauna where it meets one or more criteria in APP2 – Criteria for determining significance of indigenous biodiversity.
- ECO-P2 Management hierarchy. [000049, 000078, 000055, 000036, 000047] {000051, 000063, 000073, 000064}
- (I) Recognise and protect the values of indigenous biodiversity within Significant Natural Areas by:
- (a) Avoiding adverse effects of vegetation clearance and the disturbance of habitats in the first instance as far as practicable;
 - (b) Remedying and/or mitigating any effects that cannot be avoided; then
 - (c) After remediation or mitigation has been undertaken, offset any more than minor residual adverse effects in accordance with Policy ECO-P3.
 - (d) If offsetting of any significant residual adverse effects in accordance with Policy ECO-P3 is not feasible then environmental compensation may be considered.
- ECO-P3 Biodiversity offsetting. [000049, 000078, 000055, 000036] {000047, 000051, 000063, 000073, 000064}
- (I) Allow biodiversity offsetting where an activity will result in more than minor residual adverse effects on a Significant Natural Area, provided that 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 ECO-P2; and
- (a) The biodiversity offset is consistent with the framework detailed in APP3 – Biodiversity offsetting; and
 - (b) The biodiversity offset can achieve no net loss, and preferably a net gain, of indigenous biodiversity:
 - (i) Preferably in the affected area of Significant Natural Area; or
 - (ii) Where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located; and
 - (c) Recognising that there are limits to the appropriate use of biodiversity offsetting, including because of the irreplaceability or vulnerability of the biodiversity affected.
- ECO-P4 Biodiversity in the coastal environment. [000049, 000078, 000055, 000036] {000047, 000051, 000064}
- (I) Avoid the adverse effects of subdivision use and development within the coastal environment on:
- (a) Indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - (b) 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;

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- (c) Areas containing nationally-significant examples of indigenous community types;
- (d) Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
- (e) Areas set aside for full or partial protection of indigenous biological diversity under legislation.

ECO-P5 Vegetation clearance in Significant Natural Areas. [000057, 000049, 000078, 000055, 000036] {000051, 000063, 000073}

- (1) Allow the clearance of indigenous vegetation in Significant Natural Areas when:
 - (a) Maintaining tracks, fences and farm drains;
 - (b) Avoiding loss of life injury or damage to property;
 - (c) Collecting material to maintain traditional Maaori cultural practices;
 - (d) Collecting removing manuka and kanuka for domestic firewood use (non-commercial);
 - (e) Operating, maintaining or upgrading existing infrastructure;
 - (f) Providing for the removal of manuka and kanuka for pasture maintenance; and
- (2) 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:
 - (a) Using any existing cleared areas on a site that are suitable to accommodate new development in the first instance;
 - (b) Using any practicable alternative locations that would reduce the need for vegetation removal; and
 - (c) 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.

ECO-P6 Managing Significant Natural Areas. [000051, 000049, 000078, 000055, 000036] {000047, 000063, 000073, 000064}

- (1) Manage Significant Natural Areas in a way that protects long-term ecological functioning and indigenous biodiversity, through such means as:
 - (a) Permanently excluding stock through voluntary covenants;
 - (b) Undertaking plant and animal pest control;
 - (c) Retaining and enhancing indigenous vegetation cover;
 - (d) Maintaining and restoring natural wetland hydrology;
 - (e) Avoiding physical and legal fragmentation;
 - (f) Legal protection of Significant Natural Areas through conservation covenants or similar mechanisms; and

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- (g) Providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.

ECO-P7 Operational and functional requirement. [000049, 000078, 000055, 000036, 000047] {000051, 000063, 000073, 000064}

Recognise that infrastructure and quarrying activities may have a functional or operational requirement to traverse or locate within a Significant Natural Area where no reasonably practicable alternative location exists.

Indigenous vegetation and habitats

ECO-P8 Maintaining and enhancing biodiversity. [000051, 000049, 000078, 000055, 000036] {000047, 000063, 000073, 000064}

- (1) Identify and protect indigenous vegetation and fauna in Significant Natural Areas as the principle means of achieving Objective ECO-O2.
- (2) Enable activities that maintain or enhance indigenous biodiversity including:
- (a) Planting using indigenous species suitable to the habitat and eco-sourcing these where practical;
 - (b) The removal or management of pest plant and animal species; and
 - (c) Biosecurity works.
- (3) Avoid, remedying or mitigate adverse effects on indigenous biodiversity, including by considering:
- (a) The range of natural food sources required to sustain indigenous fauna;
 - (b) Habitats of threatened and at risk species;
 - (c) Ecological sequences;
 - (d) Migratory pathways;
 - (e) Pest plants and pest animals;
 - (f) Natural waterway habitats and hydrology;
 - (g) Ecological corridors, natural processes and buffer areas;
 - (h) Legal and physical protection of existing habitat; and
 - (i) The risk of earthworks exacerbating Kauri dieback disease.
- (4) Provide for the removal of manuka or kanuka on a sustainable basis.

ECO-P9 Management hierarchy. [000063, 000049, 000078, 000055, 000036] {000047, 000051, 000073, 000064}

- (1) Recognise and protect indigenous biodiversity outside Significant Natural Areas using the following hierarchy by:
- (a) Avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats in the first instance;
 - (b) Remedying any effects that cannot be avoided; then
 - (c) Mitigating any effects that cannot be remedied; and

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- (d) After remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy ECO-P10.

ECO-P10 Biodiversity offsetting. [000063, 000049, 000078, 000055, 000036] {000047, 000051, 000073, 000064}

(1) Allow for a biodiversity offset to be offered by a resource consent applicant where:

- (a) An activity will result in significant residual adverse effects to indigenous vegetation or habitat outside a Significant Natural Area; and
 (b) The biodiversity offset is consistent with the framework detailed in APP3 – Biodiversity offsetting.

ECO-P11 Non-regulatory policy. [000051, 000049, 000078, 000055, 000036] {000047, 000064}

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.

ECO-P12 Significant Natural Area assessment funding. [000051, 000049, 000078, 000055, 000036] {000047, 000063, 000073, 000064}

Council in joint responsibility with Waikato Regional Council will meet the costs of an ecological assessment that shows the area which meets one or more of the criteria in APP2 – Criteria for determining significance of indigenous biodiversity.

ECO-P13 Non-regulatory policy. [000049, 000078, 000055, 000036] {000047, 000051, 000064}

(1) The Council will incorporate the following information in their Conservation Strategy:

- (a) Kauri Dieback, including reference to the Kauri Dieback Programme; and
 (b) Long-Tailed Bats.

(2) 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.

Rules

Land use – activities (zone specified in first column)

ECO-RI	Earthworks – general [000078, 000086, 000036, 000055, 000051] {000043, 000063, 000049, 000073, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for conservation activities, water reticulation for</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

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	<p>farming purposes or the maintenance of existing tracks, fences or drains within a Significant Natural Area provided they are not within a kauri root zone.</p>	<p>(a) Volume, extent and depth of earthworks; (b) Nature of fill material; (c) Contamination of fill material or cleanfill; (d) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (e) Compaction of the fill material; (f) Volume and depth of fill material; (g) Protection of the Hauraki Gulf Catchment Area; (h) Geotechnical stability; (i) Land instability, erosion and sedimentation; and (j) The risk of earthworks exacerbating Kauri dieback disease.</p>
ECO-R2	<p>Earthworks – within a Significant Natural Area on Maaori Freehold Land or Maaori Customary Land [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000047}</p>	
All zones	<p>(1) Activity status: PER Where:</p> <p>(a) On Maaori Freehold Land or Maaori Customary land within a Significant Natural Area, earthworks for a Marae Complex or Papakainga housing where:</p> <p>(i) There is no alternative development area on the site outside of the significant natural area; and</p> <p>(ii) The earthworks do not exceed a volume of 500m³ in a single consecutive 12 month period; and</p> <p>(iii) The earthworks do not exceed an area of 1,500m² in a single consecutive 12 month period;</p> <p>(iv) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(v) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) The effects on the indigenous vegetation and fauna; (b) Land instability, erosion and sedimentation; and (c) Volume, extent and depth of earthworks.</p>

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	(vi) Provided they are not within a kauri root zone.	
ECO-R3	Earthworks in a Significant Natural Area for purposes other than the maintenance of existing tracks, fences or drains. [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The effects on indigenous vegetation and fauna; (b) Land instability, erosion and sedimentation; and (c) Volume, extent and depth of earthworks. 	<p>(2) Activity status where compliance not achieved: n/a</p>

Vegetation clearance within a Significant Natural Area

ECO-R4	Vegetation clearance within a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Indigenous vegetation clearance, trimming or pruning of indigenous vegetation in a Significant Natural Area for the following purposes: <ul style="list-style-type: none"> (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; (v) Gathering plants in accordance with Maaori customs and values; or (vi) Conservation activities. 	<p>(2) Activity status where compliance not achieved: DIS</p>
ECO-R5	Vegetation clearance within a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Clearance of up to 5m³ manuka and/or kanuka outside of a wetland per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the 	<p>(2) Activity status where compliance not achieved: DIS</p>

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	removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.	
ECO-R6	Vegetation clearance within a Significant Natural Area on Maaori Freehold Land and Maaori Customary Land [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area for the purposes of development where:</p> <p>(i) There is no other practicable alternative development area on the site outside the Significant Natural Area; and</p> <p>(ii) The following total areas are not exceeded:</p> <p>(1) 1500m² for a Marae complex, including areas associated with access, parking and manoeuvring;</p> <p>(2) 500m² per dwelling, including areas associated with access, parking and manoeuvring; and</p> <p>(3) 500m² for a papakaainga building including areas associated with access, parking and manoeuvring.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
ECO-R7	Vegetation clearance within a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Vegetation clearance of non-indigenous species in a Significant Natural Area.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
ECO-R8	Vegetation clearance within a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: CON</p> <p>Where:</p> <p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps must comply with all of the following standards:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(i) There is no practicable alternative development area on the site outside the Significant Natural Area;</p> <p>(ii) The total indigenous vegetation clearance does not exceed 250m²; and</p> <p>(iii) The vegetation clearance is at least 10m from a natural waterbody.</p> <p>Council's control is reserved over the following matters:</p> <p>(a) The effects on the indigenous vegetation and fauna.</p>	
ECO-R9	Indigenous vegetation clearance in a Significant Natural Area other than for purposes listed in Rules ECO-R4 – ECO-R6. [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	(1) Activity status: DIS	
ECO-R10	Indigenous vegetation clearance inside a Significant Natural Area other than listed in Rules ECO-R4 – ECO-R6 where this is inside the coastal environment [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	(1) Activity status: DIS	

Vegetation clearance outside a Significant Natural Area

ECO-R11	Vegetation clearance outside a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Indigenous vegetation clearance outside a Significant Natural Area for the following purposes:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures;</p> <p>(ii) Maintaining existing tracks and fences;</p> <p>(iii) Maintaining existing farm drains;</p> <p>(iv) Conservation fencing to exclude stock or pests;</p> <p>(v) Gathering of plants in accordance with Maaori custom and values; or</p> <p>(vi) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p> <p>(b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;</p>

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	<p>indigenous vegetation and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance;</p> <p>(vii) In the Aggregate Extraction Areas, a maximum of 2000m² in a single consecutive 12 month period per record of title; or</p> <p>(viii) Conservation activities.</p>	<p>(e) 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; and</p> <p>(f) 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.</p>
ECO-R12	Vegetation clearance outside a Significant Natural Area on Maaori Freehold Land and Maaori Customary Land [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) On Maaori Freehold Land or Maaori Customary Land, the clearance of indigenous vegetation clearance outside a Significant Natural Area must not exceed:</p> <p>(i) 1500m² for a Marae complex including associated access, parking and manoeuvring;</p> <p>(ii) 500m² per dwelling including associated access, parking and manoeuvring;</p> <p>(iii) 500m² for a papakaainga building including associated access, parking and manoeuvring; and</p> <p>(iv) And there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p> <p>(b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;</p> <p>(e) 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; and</p> <p>(f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is</p>

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		unable to be achieved, the extent of offsetting on significant residual adverse effects.
ECO-R13	Outside a Significant Natural Area, indigenous vegetation clearance associated with gardening. [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	(1) Activity status: PER	(2) Activity status where compliance not achieved: n/a
ECO-R14	Vegetation clearance of non-indigenous species outside a Significant Natural Area. [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	(1) Activity status: PER	(2) Activity status where compliance not achieved: n/a
ECO-R15	Clearance of manuka or kanuka outside a Significant Natural Area [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Removal of manuka and/or kanuka to maintain productive pasture or for domestic firewood purposes complying with the following: <ul style="list-style-type: none"> (i) Up to 3000m² per single consecutive 12 month period per site; and (ii) Plants are less than 4m in height; and (iii) Outside a wetland; and (iv) More than 10m from a waterbody. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats; (b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services; (c) The cumulative effects of the vegetation clearance; (d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site; (e) 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; and (f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the

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		extent of offsetting on significant residual adverse effects.
ECO-R16	Indigenous vegetation clearance outside a Significant Natural Area for any reason not specified in Standards ECO-R11 to ECO-R15. [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats; (b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services; (c) The cumulative effects of the vegetation clearance; (d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site; (e) 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; and (f) 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. 	<p>(2) Activity status where compliance not achieved: n/a</p>

Subdivision

ECO-R17	Subdivision through a Significant Natural Areas [000078, 000086, 000036, 000055, 000051] {000063, 000049, 000073, 000051, 000047}	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity specific condition:</p> <ul style="list-style-type: none"> (a) The boundaries of every proposed lot must not divide the Significant Natural Area. 	<p>(2) Activity status where compliance not achieved: NC</p>

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	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none">(a) Effects on Significant Natural Areas; and(b) Extent of clearance	
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Appeals Version