# Resource Consent Application Form 51

to discharge contaminants from silage production
Form 51

## IMPORTANT NOTES TO THE APPLICANT

You must complete this form **and** Resource Consent Application Form 1 in full.

This form is to be used for the discharge of contaminants from silage production to land which cannot meet the permitted activity criteria in rule 7.6.14 of the Regional Plan: Waste for Otago.

Your application will also be assessed in terms of potential adverse effects on groundwater, surface water, soil health, site stability, flooding effects and public health. Consideration should be given to these potential effects in the design of the

It is crucial that you provide as much relevant information as possible with your application and in an understandable way. This will help ORC staff process it efficiently, and at the minimum cost.

If all the necessary information is not entered on the form or supplied with the application then Otago Regional Council may return your application, request further information or publicly notify your application. This will lead to delays in the processing of your application and may increase processing costs.

This application form, when properly completed, should provide an adequate "Assessment of Effects on the Environment" (AEE) where the adverse effects of a proposal are not significant. However, this can only be determined on application.

## Part A: General

### A.1 Is this application (*tick which applies*):

☐ For a NEW silage discharge *(go to question A.4)*

**OR**

☐ To REPLACE a current Silage Discharge Permit. Consent number:

### A.2 Please specify why a silage discharge permit is being applied for:

| ***Permitted activity criteria*** | I can comply / I cannot comply |
|---|---|
| *(a) Any excavation is dug in a manner so as to avoid groundwater seepage into the pit;* | |
| *(b) The silage stack or pit is not within 100 metres horizontally, of a well used to provide water for domestic purposes or drinking water for livestock;* | |

| | |
|---|---|
| *(c) Leachate from the silage stack or pit does not enter into any water body;* | |
| *(d) Any silage stack or pit established after 2 February 1996 is not within 50 metres horizontally, of any river, lake, stream, pond, wetland or mean high water springs;* | |
| *(e) Silage production is undertaken on production land;* | |
| *(f) The silage stack or pit is not located within 50 metres, horizontally, of a property boundary excluding road boundaries; or* | |
| *(g) The silage stack or pit does not cause a nuisance and is not noxious, dangerous, offensive or objectionable beyond the boundaries of the property* | |

### A.3 Is the proposed activity prohibited?

☐ Yes OR ☐ No

**Note, under the Regional Plan:** Water for Otago rule 12.C.0.2, the discharge of any contaminant from silage storage or a composting process:

(i) To any lake, river or Regionally Significant Wetland; or
(ii) To any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or
(iii) To the bed of any lake, river or Regionally Significant Wetland; or
(iv) To any bore or soak hole; or
(v) To land in a manner that results in overland flow entering any:
  (a) Lake, river, Regionally Significant Wetland or coastal marine area that is not permitted under Rule 12.C.1.1 or 12.C.1.1A; or
  (b) Drain or water race that goes to any lake, river, Regionally Significant Wetland or coastal marine area that is not permitted under Rule 12.C.1.1 or 12.C.1.1A; or
(vi) To land within 50 metres of:
  (a) Any lake, river or Regionally Significant Wetland; or
  (b) Any bore or soak hole; or
(vii) To saturated land; or
(viii) That results in ponding, is a ***prohibited*** activity.

The above prohibited activity rule overrides the discretionary activity rule Regional Plan Waste 7.6.15(2) which states that the discharge into water is a discretionary activity.

### A.4 Is resource consent required under the National Environmental Standards: Freshwater

☐ Yes, my discharge will occur within 100 metres of a natural wetland [2]

**OR**

☐ No, there are no natural wetlands in close proximity to the discharge site.

_____

[2] *natural wetland means a wetland (as defined in the Act) that is not:*
(a) *a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or*
(b) *a geothermal wetland; or*
(c) *any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling.*

### A.5 Can you comply with the National Environmental Standards: Storing Tyres Outdoors?

☐ Yes, my tyres for silage stack covers are consistent with the NES STO Regulation 10, or Regulations 11(2)(b)(iv), 12, and 13.

**OR**

☐ No, my tyres used for silage stack covers are contrary to the NES STO Regulation 10, or Regulations 11(2)(b)(iv), 12, and 13.

**If you cannot meet permitted activity requirements, Resource Consent is required under the National Environmental Standard: Storing Tyres Outdoors (NES STO)*

## Part B: Location of Silage Stack and Silage Discharge

### B.1 Details of the property on which the silage stack will be located *(if different from applicant's details on Form 1):*

Full name(s) of owner(s) _____

_____

Physical Address:_____

_____

_____

Phone number:_____

Email address:_____

### B.2 Please provide an accurate GPS location in NZTM2000 (New Zealand Transverse Mercator) format for the mid-point of the silage stack.

*Note: this should be two seven digit numbers e.g. E1415593 N4923363 and can be obtained using a handheld GPS, from topomap.co.nz (using the coordinates function) or from https://maps.orc.govt.nz/OtagoMaps/. If you have more than one disposal site please add in the mid points for all sites.*

Map Reference of mid-point of Discharge Area: NZTM 2000 E _____ N _____

If the discharge area is greater than 50 $m^2$ please provide map references for the boundaries of the discharge area:

NE Corner: NZTM 2000 E _____ N _____

SE Corner: NZTM 2000 E _____ N _____

SW Corner: NZTM 2000 E _____ N _____

NW Corner: NZTM 2000 E _____ N _____

**B.3 Details of the property on which the silage leachate will be discharged *(if different from applicant's details on Form 1):***

Full name(s) of owner(s) _____

_____

_____

Physical Address:_____

_____

_____

Phone number:_____

Email address:_____

**B.4 Please provide an accurate GPS location in NZTM2000 (New Zealand Transverse Mercator) format for the mid-point of the discharge field.**

*Note: this should be two seven digit numbers e.g. E1415593 N4923363 and can be obtained using a handheld GPS, from topomap.co.nz (using the coordinates function) or from https://maps.orc.govt.nz/OtagoMaps/. If you have more than one disposal site please add in the mid points for all sites.*

Map Reference of mid-point of Discharge Area: NZTM 2000 E _____ N _____

**B5. Legal Description of the silage stack and discharge area. Please also attach a Record of Title less than 3 months old.**

_____

_____

**B6. Please provide a plan (this can be hand-drawn if necessary) illustrating the location of the silage stack and silage discharge which clearly identifies:**

- The location of the silage stack The location of stormwater cut-off drains, stormwater discharges (e.g. soakholes) and any overland flow paths.
- The location of any waterbodies (including streams, drains and water races).
- The location of other dwellings or buildings, other wastewater treatment and disposal systems, archaeological sites, waahi tapu[1], cultural or heritage features.
- The location of any bores within a radius of 100m from the edge of the discharge area.
- The location of soil assessment bore holes or test pits that relate to this application.
- Flood levels for up to a 1 in 100-year event (question C.2 has criterium detailing if this is required)
- The location of any natural wetlands (if applicable)
- The plan must include an estimated scale, a north arrow, an arrow indicating the direction of groundwater flow, contours of the land, properties boundaries and road names

**B.7 Fill out the table below detailing separation distances for the silage stack:**

[1] **Waahi Tapu:** Sacred places; sites, areas and values associated with water bodies that hold spiritual values of importance to Kai Tahu.

| Separation distance from nearest | Distance from silage stack (m) |
|---|---|
| Property boundaries | |
| Habitable buildings | |
| Embankments / retaining walls | |
| Wells / bores | |
| Rivers, streams, drains, wetlands and/or water races | |
| Soakholes, dispersion trenches etc | |
| Other (specify) | |

## Part C: Site Information and Assessment

### C.1 Please specify if the silage stack is located on a slope:

☐ The site is flat

OR

☐ The slope angle is approximately _____ degrees

### C.2 Please specify if the silage stack is within a floodplain:

☐ The site is not in a floodplain

OR

☐ The site is in a floodplain and the flood levels for up to a 1 in 100-year event are illustrated on the plan required by B.4 above and a flood assessment report is attached

### C.3 Is the silage stack site is subject to land instability?

☐ No

OR

☐ Yes, a geotechnical assessment prepared by a geotechnical engineer is attached

### C.4 Please attach the subsoil investigation report and/or percolation or soil infiltration testing:

A subsoil investigation report is required for all new applications. For an application for the continuation of an existing treatment and disposal system, please attach the original reports that were submitted when you applied for the original consent. If you are unsure whether percolation or subsoil testing is required, or if you do not have any of the original reports, please seek advice from a qualified engineer or technical specialist.

☐ Subsoil investigation report attached

☐ Percolation or soil infiltration test report in accordance with Appendix G of AS/NZS 1547:2012 attached

**C.5 If boreholes or test pits are required for subsoil investigation, please draw their location on the plan required in B.4 and provide the detail below:**

(Please note a minimum of 3 boreholes or test pits are required for subsoil investigation).

☐ Test pit Maximum depth_____m No. of test pits_____

☐ Borehole Maximum depth_____m No. of boreholes_____

☐ Other (please specify)_____

### C.6 Based on the above reports, please specify the soil category (in accordance with ANZS1547:2012):

| Soil Category | Description | Depth below ground level (m) |
|---|---|---|
| 1 | Gravels and sands | |
| 2 | Sandy loams | |
| 3 | Loams | |
| 4 | Clay loams | |
| 5 | Light clays | |
| 6 | Medium to heavy clays | |

## Part D: Discharge, Treatment and Disposal Details

### D.1 Please provide the following discharge details:

Maximum volume discharged per day: _____litres per day

Average volume discharge per day: _____litres per day

Is the discharge: ☐ Intermittent OR ☐ Permanent

Are seasonal fluctuations likely? ☐ Yes (explain below) OR ☐ No

Explanation _____

_____

| | |
|---|---|
| **Silage stack area ($m^2$)** | |
| **Concrete pad thickness (mm)** | |
| **Discharge area proposed (ha)** | |
| **Method of contaminant discharge** (please describe how leachate is collected and discharged to land) | |
| **Rate of contaminant discharge (mm/day)** | |
| **Depth of contaminant discharge (mm)** | |
| **General description of how often contaminants will be discharged to land.** | |
| **Proposed silage storage storage ($m^3$)** | |

## Part E: Assessment of Environmental Effects

### E.1 Please include an Assessment of Environmental Effects, required in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The assessment should include comment on the following:

☐ An Assessment of Environmental Effects which meets the requirements of Schedule 4 of the Resource Management Act 1991.

**E.2 Comment on the possible effects the discharge may have on the drainage capacity, fertility, ground or surface water on or near the site.**

**E.3 What are the possible adverse effects of the discharge of silage leachate to land on the receiving environment? Are there any of the below within the vicinity of the silage stack?**

a. Waterbodies, groundwater, or groundwater bore(s)
b. Obvious signs of fish, eels, insect life, aquatic plants, etc
c. Wetlands (e.g. swamp areas)
d. Recreational activities carried out (e.g. swimming, fishing, canoeing)
e. Areas of particular aesthetic or scientific value (e.g. scenic waterfall, rapids, archaeological site)
f. Areas or aspects of significance to Iwi

If you have answered “yes” to any of the above, describe what effects your operation may have and the steps you propose to take to mitigate these.

**E.4 Please describe any possible alternative methods of discharge, including discharge into any other receiving environment.**

**E.5 Why did you choose the proposed location of the silage stack? Is the location appropriate for discharge?**

**E.6 What type of monitoring do you propose to implement to ensure that discharge does not have any adverse effects?**

**E.7 Describe any actions that are going to be taken to avoid, remedy or mitigate any adverse effects of any discharge**

## Part F: Statutory Assessment

The Resource Management Act requires this application to include an assessment of the proposed activity against the relevant statutory documents. In this case, the Regional Plan: Water and Iwi Management Plans are the most relevant documents. For larger applications, assessment against higher order documents may also be required.

If you are unable to answer the questions below, or you believe your proposal is inconsistent with the relevant policies and documents discussed, it is recommended you seek professional planning assistance to help you with your application.

### F.1 Please indicate (tick) which of the following policies from the Regional Plan: Waste for Otago your proposal is consistent with:

☐ Policy 7.3.3 To avoid, remedy or mitigate the adverse effects of discharges from composting and silage production.

☐ Policy 7.4.3 To ensure that landfills and discharges from silage production and composting operations are sited at locations and managed in a manner whereby adverse effects on the environment are avoided, remedied, or mitigated.

☐ Policy 7.4.4 To monitor discharges to land, water, and air from new, operating and closed landfills, and from silage production and composting.

### F.2. Please indicate (tick) if of the following policies from the Regional Plan: Air for Otago your proposal is consistent with:

☐ Policy 8.2.3 In the consideration of any application to discharge contaminants into air, Council will have:

a) Particular regard to avoiding adverse effects including cumulative effects on:
    a. Values of significance to Kai Tahu;
    b. The health and functioning of ecosystems, plants and animals;
    c. Cultural, heritage and amenity values; and
    d. Human health; and

b) Regard to any existing discharge from the site, into air, and its effects.

### F.3 National Environmental Standard for Sources of Human Drinking Water

Regulations 7 and 8 of the National Environmental Standard for Sources of Human Drinking Water (NES) need to be considered when assessing discharge permits that have the potential to affect registered drinking water supplies that provide 501 or more people with drinking water for 60 or more calendar days each year.

Regulations 11 and 12 of the NES requires the Consent Authority to place an emergency notification condition on relevant consent holders if it is assessed that the activity could pose a risk to the drinking water supply in the case of an unintended event (e.g. a spill or other accident). If the Consent Authority considers that such a risk exists, a condition must be placed on the consents that requires the consent holder to notify the drinking water supplier if such an event occurs. Regulation 11 states that Regulation 12 applies to activities with the potential to affect registered drinking water supplies that supply 25 or more people with drinking water for 60 or more days of a calendar year.

Regulation 12 in the NES covers circumstances where effects are not anticipated; for example, something that is not part of normal day-to-day running of a facility and that could lead to a significant adverse effect on water quality at the abstraction point for a drinking water supply. This part of the NES requires the consent authority to consider the consequence for drinking water if an accident occurred on a site. Therefore, any structural or procedural aspects of the activity that could result in contaminants entering the drinking water source need to be considered. The potential for human error, equipment failure or extreme weather events needs to be considered, along with the risk management procedures of the site, when deciding if the condition is necessary.

**Please read the relevant regulations in the** National Environmental Standard for Sources of Human Drinking Water.

https://www.legislation.govt.nz/regulation/public/2020/0174/latest/LMS364099.html

**Is your application consistent with the relevant regulations?**

☐ Yes

**OR**

☐ No, if no, explain why

_____

_____

**F.4 The National Policy Statement for Freshwater Management requires consideration.**

☐ The NPS-FM 2020, amongst other things sets out a framework of objectives and policies to manage activities affecting freshwater in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Part 2 of the NPS-FM sets out the national objective for future freshwater management and 15 separate policies that support this objective. The objective and policies in the NPS-FM are relevant when considering an application to discharge silage leachate to land which may adversely affect freshwater. **Please read the** National Policy Statement for Freshwater Management 2020 | Ministry for the Environment

Is your application consistent with the NPS-FM 2020

☐ Yes

**OR**

☐ No, if no, explain why

_____

_____

**F.5 Please indicate (tick) which of the following policies from the Partially Operative Regional Policy Statement and Proposed Regional Policy Statement your proposal is consistent with:**

☐ Policy 3.1.1 Manage discharges that are objectionable or offensive to Kāi Tahu and/or the wider community.

☐ Policy 5.4.1 Offensive or objectionable discharges are managed by
- Avoiding significant adverse effects of those discharges
- Avoiding significant adverse effects of discharges of human or animal waste directly, or in close proximity, to water or mahika kai sites

☐ IM-P13 Manage cumulative effects of activities and physical resources.

☐ LF-WAI-O1 The mauri of Otago's water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:
- water is the foundation and source of all life,
- there is an integral kinship between water and Kai Tahu whanui,
- each waterbody has a unique whakapapa and characteristics,
- water and land have a connectedness that supports and perpetuates life; and
- Kāi Tahu exercise rakatirataka, manaakitaka and their *kaitiakitaka* duty of care and attention over wai and all the life it supports.

**Please read this link to determine in which Freshwater Management Unit (FMU) the discharge will occur and tick the relevant box below:**

☐ Catlins FMU

☐ Dunedin and Coast FMU

☐ Clutha Mata-Au FMU

☐ North Otago FMU

☐ Taieri FMU

**Please indicate whether your proposal supports the vision for the relevant FMU.**

☐ **LF-VM-O2 – Clutha Mata-au**

In the Clutha Mata-au FMU:

(1) management of the FMU recognises that:

(a) the Clutha Mata-au is a single connected system ki uta ki tai, and

(b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa,

(2) fresh water is managed in accordance with the LF–WAI objectives and policies,

(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,

(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,

(5) indigenous species migrate easily and as naturally as possible along and within the river system,

(6) the national significance of the Clutha hydro-electricity generation scheme is recognised,

(7) in addition to (1) to (6) above:

(a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,

(b) in the Dunstan, Manuherekia and Roxburgh rohe:

(i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and

(ii) innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and

(iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,

(c) in the Lower Clutha rohe:

(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible,

(ii) the ecosystem connections between freshwater, wetlands and the coastal environment are preserved and, wherever possible, restored,

(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and

(iv) there are no direct discharges of wastewater to water bodies, and

(8) the outcomes sought in (7) are to be achieved within the following timeframes:

(a) by 2030 in the Upper Lakes rohe,

(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and

(c) by 2050 in the Manuherekia rohe.

☐ **LF-VM-O3 – North Otago Vision. By 2050 in the North Otago FMU**

(1) fresh water is managed in accordance with the LF–WAI objectives and policies, while recognising that the Waitaki River is influenced in part by catchment areas within the Canterbury region,

(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained and Kāi Tahu maintain their connection with and use of the water bodies,

(3) healthy riparian margins, wetlands, estuaries and lagoons support thriving mahika kai, indigenous habitats and downstream coastal ecosystems,

(4) indigenous species can migrate easily and as naturally as possible to and from the coastal environment,

(5) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and

(6) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.

☐ **LF-VM-O4 – Taieri FMU Vision. By 2050 in the Taieri FMU:**

(1) fresh water is managed in accordance with the LF–WAI objectives and policies,

(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,

(3) healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola Wetlands, Tunaheketaka/Lake Taieri, scroll plain, and tussock areas,

(4) the gravel bed of the lower Taieri is restored and sedimentation of the Waipori/Waihola complex is reduced,

(5) creative ecological approaches contribute to reduced occurrence of didymo,

(6) water bodies support healthy populations of galaxiid species,

(7) there are no direct discharges of wastewater to water bodies, and

(8) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.

☐ **LF-VM-O5 – Dunedin & Coast FMU. By 2040 in the Dunedin & Coast FMU:**
(1) fresh water is managed in accordance with the LF-WAI objectives and policies,
(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,
(3) healthy estuaries, lagoons and coastal waters support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas,
(4) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, and
(5) discharges of contaminants from urban environments are reduced so that water bodies are safe for human contact.

☐ **LF-VM-O6 – Catlins FMU Vision. By 2030 in the Catlins**
(1) fresh water is managed in accordance with the LF-WAI objectives and policies,
(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,
(3) water bodies support thriving mahika kai and access of Kāi Tahu whānui to mahika kai,
(4) the high degree of naturalness and ecosystem connections between the forests, freshwater and coastal environment are preserved,
(5) water bodies and their catchment areas support the health and well-being of coastal water, ecosystems and indigenous species, including downstream kaimoana, and
(6) healthy, clear and clean water supports opportunities for recreation and sustainable food production for future generations.

**Please note;** for more complex applications further assessment and consideration of policies may be required.

## Iwi Management Plans

An Iwi Management Plan identifies important issues regarding the use of natural and physical resources and must be considered for all consent applications. In Otago there are three Iwi Management Plans.

**If you are in the Waitaki area then the below is relevant:**
Waitaki Iwi Management Plan 2019
Policy 5.2.1.1 and Objectives 5.2.2.1.3 and 5.2.5.1
My application is consistent with this policy and objectives, protecting rivers, springs, lakes and wetlands that have high water quality through the mitigation I have proposed.

**If you are south of the Clutha River / Mata-Au:**
The Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 reflects the attitudes and values of the four Runanga Papatipu o Murihiku – Awarua, Hokonui, Oraka/Aparima and Waihopai.

Policies 3.4.1.5, 3.4.1.12, 3.4.2.1, 3.4.2.7
The application is consistent with these policies, specifically by ensuring appropriate mitigation reducing impacts on water quality.

**For all of Otago:**
The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 expresses the attitudes and values of the four Papatipu Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga,
Objectives 5.3.3 (ii) and 5.3.3 (iv), Policies 5.3.4.4. and 5.3.4.11.
The application is consistent with these policies and objectives, specifically by not discharging contaminants directly to water and appropriate mitigation measures will be used.

## Part G: Consultation

### G.1 Please describe any consultation undertaken with persons or parties potentially affected by the proposed discharge and append any written approvals that have been obtained.

Please describe any consultation undertaken with persons/parties potentially affected by your activity. You do not need to consult, but if you do, please include evidence of this.

## Part H: Checklist

- [ ] Fully completed this application form and Form 1?
- [ ] Attached a detailed site plan?
- [ ] Attached a copy of the soil report and sub soil testing (if relevant)?
- [ ] Attached a flood assessment report (if relevant)?
- [ ] Attached a copy of a site stability report (if relevant)?
- [ ] Attached any written approvals?
- [ ] Attached a Record of Title that is less than 3 months old?
- [ ] Attached an assessment of environmental effects in accordance with Appendix B?

To keep consent processing costs to a minimum it is strongly recommended that the checklist is complete, and all items required are attached before you lodge your application to the Council.