

# Resource Consent Application Form 39

Vegetation clearance, earthworks or land disturbance and take, use, damming, diversion or discharge of water for restoration of natural inland wetlands



This application is made under Section 88 of the Resource Management Act 1991

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## IMPORTANT NOTES TO THE APPLICANT

Consent for restoration of natural wetland is required under Clause 39 of the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).

This form is to be used for restoration of natural inland wetland activities that require consent.

Restoration works within the following distances of a natural wetland may require consent:

- a. vegetation clearance, earthworks, or land disturbance within 10 m; and
- b. take, use, damming, diversion, or discharge of water within 100m.

Refer to Section A.2 below for the consent triggers. If your activity does not trigger any of the matters set out in Section A.2, your activity is likely to be permitted under Clause 38 of the National Environmental Standards for Freshwater.

Ensure that you complete this Application Form 39 and Resource Consent Application Form 1 in full.

**Restoration:** In relation to a natural inland wetland, means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning.

**Natural inland wetland:** means a [wetland \(as defined in the Act\)](#) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
  - (i) is within an area of pasture used for grazing; and
  - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
  - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

For the consent application to be processed efficiently in the minimum time and at minimum cost, it is critical that as much relevant information as possible is included with the application. 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.

You may wish to provide a separate AEE using this form as template.

## PART A: GENERAL

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

- For a NEW consent to restore a natural wetland?
- To REPLACE a current consent to restore a natural wetland?

Current consent number: \_\_\_\_\_

Expiry date: \_\_\_\_\_

**A.2** What is the reason you require consent?

*If you don't tick any of the criteria below, your wetland restoration activity may be permitted under Clause 38 of the National Environmental Standards for Freshwater.*

- The vegetation clearance, earthworks or land disturbance will cover an area of more than 500 m<sup>2</sup> or 10% of the wetland area
- One or more of the wetland general conditions set out on Form 46 will not be complied with

## PART B: LOCATION OF THE ACTIVITY

**B.1** Location of natural inland wetland to be restored

Name of landowner(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address/Location:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

	<p>How big is the property where the wetland is located?</p> <p>_____ hectares</p> <p>Legal description(s) of the property (as shown on Certificate of Title)  <i>Please attach a current (less than 3 months old) Certificate of Title to the application.</i></p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><b>B.2</b></p>	<p><b>Wetland to be restored</b></p> <p>How big is the wetland where restoration works will occur?</p> <p>_____ square metres</p> <p>How much of the wetland will be restored?</p> <p>_____ square metres</p>
<p><b>B.3</b></p>	<p><b>Map or aerial image</b></p> <p>Please provide a map or aerial image showing:</p> <p><input type="checkbox"/> The extent of the wetland</p> <p><input type="checkbox"/> All areas of the wetland that may be restored, including:</p> <ul style="list-style-type: none"> <li>○ Vegetation to be cleared</li> <li>○ Earthworks or land disturbance</li> <li>○ Location of any take, use, damming, diversion, or discharge of water</li> <li>○ Location of any associated activities, such as planting</li> </ul> <p><input type="checkbox"/> Within and near the wetland that will be restored, identify:</p> <ul style="list-style-type: none"> <li>○ Any critical source areas</li> <li>○ Any water bodies (including rivers, lakes, ponds, and streams) that flow to or from the wetland</li> <li>○ Any surrounding wetlands</li> <li>○ Any subsurface drainage</li> <li>○ Any bores or soakholes</li> <li>○ Any sites of historical heritage</li> </ul> <p><input type="checkbox"/> Nature of the terrain surrounding the wetland, including slope (flat, rolling, steep) and direction of slope</p> <p><input type="checkbox"/> A north symbol (oriented to the top of the page if possible) and scale bar</p>

<b>B.4</b>	<p><b>Additional information regarding the wetland</b></p> <p>In addition to the map or aerial image required in B.3, you may also provide some photos of the areas of the wetland in its current state. You may also provide some photos of previously restored wetland areas and the works involved, if these reflect how the proposed activity will be managed.</p> <p>Description of any photos included:</p> <hr/> <hr/> <hr/>
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**PART C: NATURE OF THE RESTORATION ACTIVITY**

<b>C.1</b>	<p><b>Nature of the wetland (unrestored)</b></p> <p>Describe the nature of the wetland in its current (unrestored) state:  <i>This may include the values, extent, functions, vegetation types present, soils underlying the wetland, habitat for fish and birds, flow of water into, through and out of the wetland, any field observations related to the wetland, existing artificial features or structures</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p>Describe any management practices related to the wetland in its current (unrestored) state:  <i>This may include existing fencing, nature of the surrounding land use, management of stock near the wetland area, water management near the wetland</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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**C.2 Nature of the wetland restoration**

Describe the intended outcome of the wetland restoration:

*Including current issues with the wetland that warrant restoration, and results sought around values, extent, diversity*

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Describe the works involved in the wetland restoration:

*This may include location and species for vegetation clearance and planting, specific areas of earthworks or land disturbance, machinery, and equipment to be used, any works that may affect water quantity or quality, setbacks between works and the wetland*

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In addition to the plan provided in Section B.3, please provide plans showing specific details of the proposed restoration works.

When are restoration works expected to start, and for how long will they continue until completion?

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	<p>Has a restoration plan been prepared and attached to form part of the consent application?</p> <p><i>Schedule 2 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 sets out the information that is required in a restoration plan. Please ensure your restoration plan includes all of the relevant details set out in Schedule 2.</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If no, why not?</p> <hr/> <hr/> <hr/> <hr/>
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**PART D: MANAGEMENT OF THE RESTORATION ACTIVITY**

<p><b>D.1</b></p>	<p>How will you manage the restoration activity?</p> <p><i>Please provide details of how you will manage the restoration activity. This may include:</i></p> <ul style="list-style-type: none"> <li>○ <i>timing and duration of works</i></li> <li>○ <i>management of water on the site</i></li> <li>○ <i>oversight of the works</i></li> <li>○ <i>disposal of cleared vegetation and earth</i></li> <li>○ <i>setbacks to the wetland</i></li> </ul> <p><i>Management strategies may change across the wetland, and through different aspects of the restoration, so please be as specific as possible.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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## PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

### E.1 Effects on the wetland

Describe the actual and potential effects your restoration activity may have on the values of the natural inland wetland, its catchment, and the coastal environment

*The restoration activity may impact the values associated with the wetland. In this section, describe how your management practices will ensure values associated with the wetland are degraded, maintained, or improved, and when this may occur. For example, values during the works may be adversely affected, but once restoration is complete, may be positively affected.*

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Describe the actual and potential effects your restoration activity may have on the extent of the wetland.

*The restoration activity may result in an increase or decrease in the extent of the wetland. In this section, describe how your management practices will affect the extent of the wetland, both during the restoration, and after the restoration has been completed.*

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Describe the actual and potential effects your restoration activity may have on the hydrological regime of the wetland.

*The restoration activity may result in a change to the hydrological regime of the wetland. In this section, describe how your management practices will affect the hydrological regime of the wetland, both during the restoration, and after the restoration has been completed.*

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	<p>Describe the actual and potential effects your restoration activity may have on the passage of fish in the wetland or another waterbody.</p> <p><i>The restoration activity may result in a change to the hydrological regime of the wetland. In this section, describe how your management practices will affect the hydrological regime of the wetland, both during the restoration, and after the restoration has been completed.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>E.2</b></p>	<p>Describe the actual and potential effects your restoration activity may have on flooding risk up and downstream of the wetland.</p> <p><i>The restoration activity, in particular changes to the hydrological regime has the potential to change flooding risk to the surrounding areas. In this section, describe how your management practices will ensure adverse effects on flooding risk are avoided or minimised as best possible.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>E.3</b></p>	<p>Describe the cumulative effects of your restoration activity.</p> <p><i>Cumulative effects are effects which arise over time, in combination with other effects. While the effects of your activity on its own may be environmentally acceptable, cumulative effects recognise that similar effects over time from many activities may not be acceptable.</i></p> <hr/> <hr/> <hr/> <hr/>



<p><b>E.4</b></p>	<p>Describe the actual and potential effects your restoration activity may have on Kai Tahu cultural and spiritual beliefs, values and uses.</p> <p><i>The restoration activity has the potential to impact Kai Tahu values. In this section, describe any nearby Rūnanga sensitive receptors (Statutory Acknowledgements, wāhi tapu etc), and how your restoration activity might affect these features and the associated cultural values.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>E.5</b></p>	<p>Demonstrate how your proposal meets the effects management hierarchy approach to managing adverse effects of any activity on the values or extent of a wetland.</p> <p><i>This means that:</i></p> <ul style="list-style-type: none"> <li><i>a. adverse effects are avoided where practicable; and</i></li> <li><i>b. where adverse effects cannot be avoided, they are minimised where practicable; and</i></li> <li><i>c. where adverse effects cannot be minimised, they are remedied where practicable; and</i></li> <li><i>d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and</i></li> <li><i>e. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and</i></li> <li><i>f. if aquatic compensation is not appropriate, the activity itself is avoided.</i></li> </ul> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



<b>G.2</b>	<p><b>Written approvals</b></p> <p>Were any written approvals obtained as part of this application?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, please describe who written approval was obtained from, and why.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Please attach any written approvals received to the application.  <i>Please note that the Council only accepts unconditional written approvals and any conditions proposed by affected parties need to be agreed to and incorporated into the application.</i></p>
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**PART H: DEPOSIT**

*A deposit is required upon lodgement of your application. Refer to the fees on Form 1. This deposit is not the final or maximum cost of your application. Further charges are incurred in accordance with Councils scale of fees and charges.*

**PART I: CHECKLIST**

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| <b>I.1</b> | <p>Use the checklist below to ensure you've provided all of the relevant information to complete your application.<br/> <i>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 Otago Regional Council.</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Fully completed this application form and Form 1?</li> <li><input type="checkbox"/> Attached Certificate of Title(s) less than 3 months old? Refer to B.1</li> <li><input type="checkbox"/> Attached a detailed site map? Refer to B.3</li> <li><input type="checkbox"/> Attached any relevant photos? Refer to B.4</li> <li><input type="checkbox"/> Attached any written approvals? Refer to G.2</li> <li><input type="checkbox"/> Paid your deposit or attached a cheque? Refer to Part.1</li> <li><input type="checkbox"/> Attached a completed planning assessment sheet, or an assessment of the activity against the relevant parts of the RMA, National Policy Statement for Freshwater Management 2020, Regional Policy Statement (Operative and Partially Operative) and Regional Plan: Water for Otago</li> </ul> |
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## CONTACT US

If you have any queries relating to the information requirements, please contact one of our Otago Regional Council Offices:

Dunedin: 70 Stafford St Private Bag 1954 Dunedin 9054  Phone 03 474 0827 Fax 03 479 0015	Alexandra: Dunorling St PO Box 44 Alexandra 9340  Phone 03 448 8063 Fax 03 448 6112	Queenstown: Terrace Junction 1092 Frankton Road Queenstown 9300  Phone 03 442 5681 Fax 03 442 5682
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