

# Resource Consent Application Form 41



Vegetation clearance, earthworks or land disturbance and take, use, damming, diversion, or discharge of water for maintaining and operating specified infrastructure and other infrastructure

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

Phone: 0800 474 082

Website: [www.orc.govt.nz](http://www.orc.govt.nz)

## IMPORTANT NOTES TO THE APPLICANT

**Consent for maintaining and operating specified and other infrastructure is required under [Clause 47 of the Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).**

This form is to be used for the maintenance and operation of specified and other infrastructure that require consent.

A separate consent may be required for the construction of specified infrastructure.

*Maintenance and operation of specified and other infrastructure within the following distances of a natural inland 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.*

Ensure that you complete this Application Form 41 and Resource Consent Application Form 1 in full

**Specified infrastructure:** means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
- (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan © any water storage infrastructure
- (d) any public flood control, flood protection, or drainage works carried out:
- (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

- (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908
- (e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990
- (f) ski area infrastructure

**Other infrastructure:** means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020.

**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. Please refer to the [Wetlands Factsheet](#) for additional information about the maintenance of specified infrastructure.

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 maintain and operate infrastructure?
- To REPLACE a current consent to maintain and operate infrastructure?

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 specified infrastructure maintenance and operation activity may be permitted under Clause 46 of the National Environmental Standards for Freshwater.*

- The activity may result in the increase in size of the specified infrastructure or other infrastructure
- The activity may result in the formation of new pathways, boardwalks or other accessways
- 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\*
- Any trenches dug will not be backfilled and compacted within 48 hours of being dug
- Earthworks and land disturbance will result in drains being deeper, relative to the natural wetland's water level, than they were before the activity
- One or more of the wetland general conditions set out on Form 46 will not be complied with

\* The area conditions do not apply if earthworks or land disturbance are for planting

**PART B: LOCATION OF THE ACTIVITY**

**B.1 Location of the specified or other infrastructure**

Name of landowner(s):

\_\_\_\_\_

Address/Location:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How big is the property where the wetland is located?

\_\_\_\_\_ hectares

Legal description(s) of the property (as shown on Certificate of Title)

*Please attach a current (less than 3 months old) Certificate of Title to the application.*

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**B.2 Wetland where infrastructure is located**

How big is the wetland where the infrastructure is located?

\_\_\_\_\_ square metres

How much of the wetland will be impacted by the maintenance and operation of the infrastructure?

\_\_\_\_\_ square metres

**B.3 Map or aerial image**

Please provide a map or aerial image showing:

The extent of the wetland

All areas of the wetland where maintenance and operation of the infrastructure will occur, including:

- Vegetation to be cleared
- Earthworks or land disturbance
- Location of any take, use, damming, diversion, or discharge of water
- Location of any associated activities, such as planting

	<input type="checkbox"/> Within and near the wetland where the infrastructure is located, identify: <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 soak holes</li> <li>○ Any sites of historic heritage</li> </ul> <input type="checkbox"/> Nature of the terrain surrounding the wetland, including slope (flat, rolling, steep) and direction of slope <input type="checkbox"/> A north symbol (oriented to the top of the page if possible) and scale bar
<b>B.4</b>	<b>Additional information regarding the wetland</b> <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 previous specified infrastructure and the maintenance and operation works involved, if these reflect how the proposed activity will be managed.</p> <p>Description of any photos included:</p> <hr/> <hr/> <hr/>

**PART C: NATURE OF THE MAINTENANCE AND OPERATION ACTIVITY**

<b>C.1</b>	<b>Nature of the wetland</b> <p>Describe the nature of the wetland in its current 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 and specified infrastructure.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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Describe any management practices related to the wetland in its current state:

*This may include existing fencing, nature of the surrounding land use, management of stock near the wetland area, water management near the wetland*

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Prior to beginning the maintenance and operation activity, do you agree to record the original condition of the wetland, including the bed profile and hydrological regime?

Yes

No

If yes, how will you record this?

*This may include photos, videos, and water level measurements*

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If no, why not?

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**C.2**

Describe the specified infrastructure to be maintained and operated:

*This may include use, size, intended life span, materials*

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**C.4**

**Nature of the operation activity**

Describe the works involved in the operation of the infrastructure:

*This may include ongoing access, any differences to the maintenance requirements*

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In addition to the plan provided in Section B.3, please provide plans showing specific details of the works associated with the operation of the infrastructure, if relevant.

Will the bed profile and hydrological regime of the wetland be returned to their natural state no later than 30 days after the start of the operation works?

*This does not apply to any part of the bed that is in direct contact with any parts of the infrastructure that were constructed for operation purposes.*

Yes

No

If no, why not?

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**PART D: MANAGEMENT OF THE MAINTENANCE AND OPERATION ACTIVITY**

**D.1** How will you manage the maintenance activity?

*Please provide details of how you will manage the maintenance activity. This may include:*

- *timing and duration of works*
- *management of water on the site*
- *oversight of the works*
- *disposal of cleared vegetation and earth*
- *setbacks to the wetland*

*Management strategies may change across the wetland, and through different aspects of the maintenance, so please be as specific as possible.*

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**D.2**

How will you manage the operation activity?

*Please provide details of how you will manage the operation activity. This may include:*

- *monitoring of the activity*
- *access to the sight*
- *disposal of waste resulting from operation*
- *timing and duration of operation*

*Management strategies may change across the wetland, and through different aspects of the operation, so please be as specific as possible.*

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**PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**E.1**

**Effects on the wetland**

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

*The maintenance and operation 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.*

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

*The maintenance and operation 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.*

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

*The maintenance and operation 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.*

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Describe the actual and potential effects your maintenance and operation activity may have on the passage of fish in the wetland or another waterbody.

*The maintenance and operation 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.*

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<p><b>E.2</b></p>	<p>Describe the actual and potential effects your maintenance and operation activity may have on flooding risk up and downstream of the wetland.</p> <p><i>The maintenance and operation 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/> <hr/> <hr/>
<p><b>E.3</b></p>	<p>Describe the cumulative effects of your maintenance and operation 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/> <hr/>
<p><b>E.4</b></p>	<p>Describe the actual and potential effects your maintenance and operation activity may have on Kai Tahu cultural and spiritual beliefs, values and uses.</p> <p><i>The maintenance and operation 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 activity might affect these features and the associated cultural values.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



## PART F: ALTERNATIVES

**F.1** Have any alternatives to the maintenance and operation activity, either as a whole or specific aspects, been considered? If so, why is the proposed maintenance and operation activity being utilised over those alternatives?

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## PART G: CONSULTATION

**G.1** Please describe any consultation undertaken with persons/parties potentially affected by your proposed activity.  
*Potentially affected parties may include Public Health South, landowners (if farm is leased), neighbours, Aukaha, Te Ao Marama, Fish and Game Otago and Department of Conservation.*

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**G.2** **Written approvals**

Were any written approvals obtained as part of this application?

Yes

No

If yes, please describe who written approval was obtained from, and why.

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Please attach any written approvals received to the application.  
*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.*

## 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

- I.1** Use the checklist below to ensure you've provided all of the relevant information to complete your application.  
*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.*
- Fully completed this application form and Form 1?
  - Attached Certificate of Title(s) less than 3 months old? Refer to B.1
  - Attached a detailed site map? Refer to B.3
  - Attached any relevant photos? Refer to B.4
  - Attached any written approvals? Refer to G.2
  - Paid your deposit or attached a cheque? Refer to Part H
  - 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

## CONTACT US

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

<p>Dunedin: 70 Stafford St Private Bag 1954 Dunedin 9054</p> <p>Phone 03 474 0827 Fax 03 479 0015</p>	<p>Alexandra: Dunorling St PO Box 44 Alexandra 9340</p> <p>Phone 03 448 8063 Fax 03 448 6112</p>	<p>Queenstown: Terrace Junction 1092 Frankton Road Queenstown 9300</p> <p>Phone 03 442 5681 Fax 03 442 5682</p>
<p><b>Freephone:</b> 0800 474 082  <b>Website:</b> <a href="http://www.orc.govt.nz">www.orc.govt.nz</a></p>		