Resource Consent Application Form 42

Vegetation clearance, earthworks or land disturbance and take, use, damming, diversion or discharge of water for maintaining a wetland utility structure

Otago Regional Council

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

Phone: 0800 474 082

Website: www.orc.govt.nz

IMPORTANT NOTES TO THE APPLICANT

Consent for maintaining a wetland utility structures is required under Clause 44 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

This form is to be used for the maintenance of wetland utility structures that require consent.

A separate consent may be required for the construction of a wetland utility structure.

Maintenance of wetland utility structures 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 100 m.*

Ensure that you complete this Application Form 42 and Resource Consent Application Form 1 in full.

Wetland utility structure:

a. means a structure placed in or adjacent to a wetland whose purpose, in relation to the wetland, is recreation, education, conservation, restoration, or monitoring; and

b. for example, includes the following structures that are placed in or adjacent to a wetland for a purpose described in paragraph (a):

i. jetties:

ii. boardwalks and bridges connecting them:

iii. walking tracks and bridges connecting them:

iv. signs:

v. bird-watching hides:

vi. monitoring devices:

vii. maimai.

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 wetland utility structures.

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 construct a wetland utility structure? ☐ To REPLACE a current consent to construct a wetland utility structure? Current consent number: _____ Expiry date: _____
A.2	What it the reason you require consent? *If you don't tick any of the criteria below, your wetland restoration activity may be permitted under Clause 40 of the National Environmental Standards for Freshwater.* ☐ The activity may result in the increase in size of the wetland utility structure ☐ 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 2 m^2 around the base of each pile or post of the wetland utility structure, or 10% of the wetland area* ☐ The vegetation clearance will occur more than 1 m away from the structure* ☐ 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 of land disturbance are for planting

PART B: LOCATION OF THE ACTIVITY

B.1 **Location of wetland utility structure**

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.

_____

_____

_____

_____

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

How big is the wetland where the wetland utility structure is located?

_____ square metres

How much of the wetland will be impacted by the maintenance of the wetland utility structure?

_____ 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 of a wetland utility structure 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 ☐ Within and near the wetland where a wetland utility structure will be maintained, identify: ○ Any critical source areas ○ Any water bodies (including rivers, lakes, ponds, and streams) that flow to or from the wetland ○ Any surrounding wetlands ○ Any subsurface drainage ○ Any bores or soak holes ○ Any sites of historic heritage ☐ Nature of the terrain surrounding the wetland, including slope (flat, rolling, steep) and direction of slope ☐ A north symbol (oriented to the top of the page if possible) and scale bar
B.4	**Additional information regarding the wetland** 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 wetland utility structures and the maintenance works involved, if these reflect how the proposed activity will be managed. Description of any photos included: _____ _____ _____

PART C: NATURE OF THE MAINTENANCE ACTIVITY

C.1	**Nature of the wetland** Describe the nature of the wetland in its current state: *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 utility structures* _____ _____ _____

	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* Prior to beginning the maintenance 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? If no, why not?
C.2	Describe the wetland utility structure to be maintained: *This may include use, size, intended lifespan, materials*

C.3	**Nature of the maintenance activity** Describe the works involved in the maintenance of the wetland utility structure: *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* _____ _____ _____ _____ _____ _____ In addition to the plan provided in Section B.3, please provide plans showing specific details of the works associated with the maintenance of the wetland utility structure, if relevant. When are maintenance works associated with the wetland utility structure expected to start, and for how long will they continue until completion? _____ _____ _____ 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 maintenance works? *This does not apply to any part of the bed that is in direct contact with any parts of the wetland utility structure that were constructed for maintenance purposes.* ☐ Yes ☐ No If no, why not? _____ _____ _____

PART D: MANAGEMENT OF THE MAINTENANCE 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.

PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

E.1 **Effects on the wetland**

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

The maintenance 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.

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

The maintenance 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.

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

The maintenance 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.

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

The maintenance 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.

E.2	Describe the actual and potential effects your maintenance activity may have on flooding risk up and downstream of the wetland. *The maintenance 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.*
E.3	Describe the maintenance effects of your maintenance activity. *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.*
E.4	Describe the actual and potential effects your maintenance activity may have on Kai Tahu cultural and spiritual beliefs, values and uses. *The maintenance 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.*

E.5	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. *This means that:* *a. adverse effects are avoided where practicable; and* *b. where adverse effects cannot be avoided, they are minimised where practicable; and* *c. where adverse effects cannot be minimised, they are remedied where practicable; and* *d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and* *e. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and* *f. if aquatic compensation is not appropriate, the activity itself is avoided.*
E.6	Describe the actual and potential positive effects of your maintenance activity.

PART F: ALTERNATIVES

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

PART G: CONSULTATION

G.1 Please describe any consultation undertaken with persons/parties potentially affected by your proposed discharge.

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.

G.2 **Written approvals**

Were any written approvals obtained as part of this application?

☐ Yes

☐ No

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

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.

H.1	Is the correct deposit enclosed? *Refer to the Fees and Charges page on the ORC website or contact the customer services team to determine the appropriate deposit.* ☐ Yes ☐ No

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 H.1 ☐ 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:

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