

Resource Consent Application Form 40

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



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

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IMPORTANT NOTES TO THE APPLICANT

Consent for construction of specified infrastructure is required under Clause 45 of the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).

This form is to be used for construction of specified infrastructure in a natural inland wetland that requires consent. A separate consent may be required for the maintenance of specified infrastructure.

Construction of specified infrastructure within the following distances of a natural inland wetland requires consent:

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

Ensure that you complete this Application Form 40 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)
- (c) 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

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 construct specified infrastructure?
- To REPLACE a current consent to construct specified infrastructure?

Current consent number: _____

Expiry date: _____

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.

<p>B.2</p>	<p>Wetland where the specified infrastructure will be located</p> <p>How big is the wetland where the specified infrastructure will be located?</p> <p>_____ square metres</p> <p>How much of the wetland will be impacted by the construction of the specified infrastructure?</p> <p>_____ square metres</p>
<p>B.3</p>	<p>Map or aerial image</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 where construction of specified infrastructure will occur, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Vegetation to be cleared <input type="checkbox"/> Earthworks or land disturbance <input type="checkbox"/> Location of any take, use, damming, diversion, or discharge of water <input type="checkbox"/> Location of any associated activities, such as planting <p><input type="checkbox"/> Within and near the wetland where specified infrastructure will be located, identify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any critical source areas <input type="checkbox"/> Any water bodies (including rivers, lakes, ponds, and streams) that flow to or from the wetland <input type="checkbox"/> Any surrounding wetlands <input type="checkbox"/> Any subsurface drainage <input type="checkbox"/> Any bores or soak holes <input type="checkbox"/> Any sites of historic heritage <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>
<p>B.4</p>	<p>Additional information regarding the wetland</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 previous specified infrastructure and the construction works involved, if these reflect how the proposed activity will be managed.</p> <p>Description of any photos included:</p> <p>_____</p> <p>_____</p> <p>_____</p>

PART C: NATURE OF THE CONSTRUCTION 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 construction 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

If no, why not?

<p>C.2</p>	<p>Describe the specified infrastructure to be constructed: <i>This may include intended purpose, size, footprint, material to be used</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>C.3</p>	<p>Nature of the construction activity</p> <p>Describe the works involved in the construction of the specified infrastructure: <i>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</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p>In addition to the plan provided in Section B.3, please provide plans showing specific details of the works associated with the construction of the specified infrastructure.</p> <p>When are construction works associated with the specified infrastructure expected to start, and for how long will they continue until completion?</p> <hr/> <hr/> <hr/> <hr/>

PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

E.1 Effects on the wetland

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

The construction 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 construction activity may have on the extent of the wetland.

The construction 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 construction activity may have on the hydrological regime of the wetland.

The construction 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.

	<p>Describe the actual and potential effects your construction activity may have on the passage of fish in the wetland or another waterbody.</p> <p><i>The construction 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.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>E.2</p>	<p>Describe the actual and potential effects your construction activity may have on flooding risk up and downstream of the wetland.</p> <p><i>The construction 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/> <hr/> <hr/>
<p>E.3</p>	<p>Describe the cumulative effects of your construction 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/> <hr/>

<p>E.4</p>	<p>Describe the actual and potential effects your construction activity may have on Kai Tahu cultural and spiritual beliefs, values and uses.</p> <p><i>The construction 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 construction activity might affect these features and the associated cultural values.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>E.5</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"> <i>a. adverse effects are avoided where practicable; and</i> <i>b. where adverse effects cannot be avoided, they are minimised where practicable; and</i> <i>c. where adverse effects cannot be minimised, they are remedied where practicable; and</i> <i>d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and</i> <i>e. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and</i> <i>f. if aquatic compensation is not appropriate, the activity itself is avoided.</i> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

E.6	Describe the actual and potential positive effects of your construction activity. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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PART F: ALTERNATIVES

F.1	Have any alternatives to the construction activity, either as a whole or specific aspects, been considered? If so, why is the proposed construction activity being utilised over those alternatives? <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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PART G: CONSULTATION

G.1	Please describe any consultation undertaken with persons/parties potentially affected by your proposed activity. <i>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.</i> <hr/> <hr/> <hr/> <hr/>
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G.2	<p>Written approvals</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	
I.1	<p>Use the checklist below to ensure you've provided all of the relevant information to complete your application. <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> <p><input type="checkbox"/> Fully completed this application form and Form 1?</p> <p><input type="checkbox"/> Attached Certificate of Title(s) less than 3 months old? Refer to B.1</p> <p><input type="checkbox"/> Attached a detailed site map? Refer to B.3</p> <p><input type="checkbox"/> Attached any relevant photos? Refer to B.4</p> <p><input type="checkbox"/> Attached any written approvals? Refer to G.2</p> <p><input type="checkbox"/> Paid your deposit or attached a cheque? Refer to Part H</p> <p><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</p>

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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