

# Resource Consent Application Form 44

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



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 construction of wetland utility structures is required under Clause 42 of the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).

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

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

*Construction of wetland utility structures within the following distances of a natural wetland 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 44 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 construction 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

<b>A.1</b>	Is this application (tick which applies):  <input type="checkbox"/> For a NEW consent to construct a wetland utility structure?  <input type="checkbox"/> To REPLACE a current consent to construct a wetland utility structure?  Current consent number: _____ Expiry date: _____
------------	---

## PART B: LOCATION OF THE ACTIVITY

<b>B.1</b>	<b>Location of wetland utility structure</b> 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>_____</p>
<p><b>B.2</b></p>	<p><b>Wetland where structure will be located</b></p> <p>How big is the wetland where the wetland utility structure will be located?</p> <p>_____ square metres</p> <p>How much of the wetland will be impacted by the construction of the wetland utility structure?</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 where construction of a wetland utility structure will occur, 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 where a wetland utility structure will be placed, 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 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>	<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 previous wetland utility structures and the construction 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 CONSTRUCTION ACTIVITY**

<b>C.1</b>	<p><b>Nature of the wetland</b></p> <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 utility structures</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p>Describe any management practices related to the wetland in its current 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/> <hr/>
------------	--



**C.3 Nature of the construction activity**

Describe the works involved in the construction 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 construction of the wetland utility structure.

When are construction 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 construction works?

*This does not apply to any part of the bed that is in direct contact with the wetland utility structure.*

Yes

No

If no, why not?

---

---

---

---

**PART D: MANAGEMENT OF THE CONSTRUCTION ACTIVITY**

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

*Please provide details of how you will manage the construction 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 construction, 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 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.*

---

---

---

---

---

---

---

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

*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><b>E.4</b></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/>
<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/>

<b>E.6</b>	<p>Describe the actual and potential positive effects of your construction activity.</p> <hr/>
------------	--

**PART F: ALTERNATIVES**

<b>F.1</b>	<p>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?</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
------------	---

**PART G: CONSULTATION**

<b>G.1</b>	<p>Please describe any consultation undertaken with persons/parties potentially affected by your proposed activity.</p> <p><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></p> <hr/> <hr/> <hr/> <hr/>
------------	---

**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.*

**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:

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
<b>Freephone:</b> 0800 474 082 <b>Website:</b> <a href="http://www.orc.govt.nz">www.orc.govt.nz</a>		