

Resource Consent Application Form 10C

Land Use Consent – Defence Against Water



IMPORTANT NOTES TO THE APPLICANT

You must complete this form **and** Resource Consent Application Form 1 in full.

Use this form when applying for resource consent to erect, place, extend, alter, replace, reconstruct, demolish or remove any defence against water, other than on the bed of any lake or river.

A defence against water is defined as:

“Any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of any kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a water body, of water including flood waters, which is specifically established for the purpose of flood hazard mitigation.”

This form only applies to defences against water outside the bed of a lake or river. A resource consent may also be required for the diversion of water - please refer to Form 3: Application to Divert Water. This can be found on the ORC website at <https://www.orc.govt.nz/consents-and-compliance/ready-to-apply-for-a-consent> .

It is crucial that you provide as much relevant information as possible with your application and in an understandable way. This will help ORC staff process it efficiently, and at the minimum cost.

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.

GENERAL

1. Which of the following activities are you seeking to undertake? (please tick)

- Erect or place a new defence against water
- Alter / extend an existing defence against water
- Replace / demolish an existing defence against water

2. What is the purpose of the proposed works?

3. Please provide an accurate GPS location of the proposed works in NZTM2000 (New Zealand Transverse Mercator) format:

E _____ N _____

(Note: this should be two seven digit numbers e.g. E1415593 N4923363)

4. Describe the property on which the proposed works will take place.

Full name(s) of owner(s) _____

Address _____

Legal Description(s) (as shown on Record of Title) _____

Please also attach a Record of Title less than 3 months old

Yes, Record of Title attached

5. Please attach colour photographs of the site including:

- Photos of any existing structures at the site
- Photos showing a cross section of the site

6. Please provide a plan or map showing the location and layout of the site clearly marking the following:

Site boundaries

Site features, including as appropriate (but not limited to) buildings, roads, fences, ground surfaces, topography, water bodies

All areas showing the extent of the defence against water

An arrow or area indicating the direction and diversion of floodwaters

Within and near the areas where the activity will occur, identify:

- Any waterways, including rivers, streams, lakes, drains, water races and ponds
- Any wetlands
- Any bores or soak holes
- Any existing vegetation
- Any fish or bird habitat or nesting areas
- Any Department of Conservation reserves
- Any public gathering areas or amenity areas
- Nearby buildings and structures, including existing defences against water
- Existing infrastructure including roads

Nature of terrain where the activity is to occur, including slope and direction of slope

A north symbol (orientated to the top of the page if possible) and scale bar

7. Nearby sensitive receptors

Any sensitive receptors (as per the table) should be identified on the map required under B.3. Please fill out the table below to clearly identify the separation distance from the earthworks area to these sensitive receptors, and any others not marked on the plan, use the table below.

Sensitive receptor	Specific details about the sensitive receptor*	Distance from defence against water
River		
Stream		
Lake		
Drain		
Water race		
Pond		
Wetland		
Bores, soakholes or wells		
Buildings		
Structures, including existing defences against water		
Infrastructure		
Vegetation, including vegetation used for flood mitigation		
Fish habitat		
Bird habitat		
Bird nesting areas		
Department of Conservation reserves		
Public gathering areas		
Amenity areas		
other		

* Details might include address of dwellings, bore numbers, waterbody names, reserve names, types of habitat present

CONSTRUCTION DETAILS

8. Describe the proposed method of construction of the defence against water activity including (but not limited to):
- The material to be used to erect, or place, or extend, or alter, or replace, or reconstruct the defence against water;
 - The percentage change in size of any alterations or extensions to an existing defence against water;
 - The equipment to be used; and
 - The expected construction period

9. Please attach technical drawings of the structure / proposed structures, along with details showing how the structure(s) will be secured in place. These drawings must show all of the following details (but not limited to):

- The diameter, height and width of any alterations or extension to an existing defence against water or any new defence against water.
- Flow path location and dimensions (where applicable).

ASSESSMENT OF ENVIRONMENTAL EFFECTS

In assessing the potential effects of your defence against water activity, the key effects council staff will look at is the effectiveness of the proposed work, the need for the defence, any effect on existing defences against water and the effects of any associated diversion.

10. Waterbody Values

YES NO N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Amenity and natural character of any waterbody will not be significantly affected by the proposed works. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Any waahi tapu, waahi taoka or other site of significance to Kai Tahu, including values in Schedule 1 will not be significantly affected by the proposed works |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Public access to any waterbody will not be impeded by the proposed works. |

14. Please comment on the effectiveness of the proposed defence against water or alterations

15. In the case of demolition or removal of a defence against water, describe the methods to be used to remove the defence against water and any anticipated disturbance to the bed or margin of any water body resulting from that removal, and measures to be used to rectify the disturbance or rehabilitate the site.

16. Are there any alternative locations or methods for undertaking the proposed works? If yes, please describe and explain why you have chosen this location and method over others.

20. Describe how will the defence against water will be maintained?

17. Authorised Owner of the defence against water

YES NO N/A

Are you the authorised owner of the defence against water this application applies to.

If you have answered "NO", has the authorised owner given written approval to the application:

Yes, Written approval of authorised owner attached

STATUTORY ASSESSMENT

The Resource Management Act requires this application to include an assessment of the proposed activity against the relevant statutory documents. In this case, the Regional Plan: Water and Iwi Management Plans are the most relevant documents. For larger applications, assessment against higher order documents may also be required.

If you are unable to answer the questions below, or you believe your proposal is inconsistent with the relevant policies and documents discussed, it is recommended you seek professional planning assistance to help you with your application.

21. Regional Plan: Water for Otago (RPW)

The following policies from the RPW may be relevant to your application:

- Undertake the works in a manner that avoids, in preference to remedying or mitigating, adverse effects on natural values and character, ecology and habitat, water supply values, historic places or archaeological sites, values of significance to Kai Tahu, amenity values, lawful water users and causing or exacerbate flooding, erosion, land instability, sedimentation or property damage (5.4.2).
- Avoid adverse effects on existing lawful uses and priorities (5.4.3).
- Recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing (5.4.4).
- Recognise the Water Conservation (Kawarau) Order 1997 by preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state, protecting the outstanding characteristics of waters set out in Schedule 2 of the Water Conservation Order, and sustaining the outstanding amenity and intrinsic values set out in both Schedules of this order (5.4.5).
- Only restrict legal public access to and along the margins of lakes and rivers where necessary... to protect the health or safety of people and communities, to ensure a level of security consistent with the purposes of a resource consent, or in other exceptional circumstances... (5.4.6).
- Where existing public access to or along the margins of lakes or rivers is restricted, the provision or enhancement of alternative access may be required and will be promoted (5.4.7).
- Have regard to topography, natural flow characteristics or water levels, water colour and clarity, ecology, and the extent of use or development within the catchment when considering adverse effects on natural character of lakes, rivers and their margins (5.4.8).
- Have regard to aesthetic values and recreational opportunities provided by a lake or river or its margins when considering adverse effects on amenity values (5.4.9).
- Have regard to any heritage values of any site, building, place or area for any activity involving surface water or the bed or margin of any lake or river (5.4.10).
- Encourage and support community initiatives that assist in the achievement of the maintenance or enhancement of lakes and rivers and their margins (5.4.13).
- Manage water quality in rivers and wetlands by maintaining good water quality, enhancing water quality where it does not meet Schedule 15 limits (7.B.1).
- Avoid objectionable discharges of water or contaminants that degrade the natural and human use values of lakes, rivers and wetlands (7.B.2).
- Encourage adaptive management and innovation that reduces the level of contaminants in discharges (7.B.8).
- To maintain the integrity of existing defences against water (8.3.3)
- Give priority to avoiding changes in the nature of flow and sediment processes in water bodies, where those changes will cause adverse effects on the stability and function of existing

23. Further Assessment of Environmental Effects (AEE)

Depending on the scale of the proposed activity, a separate Assessment of Environmental Effects (AEE) may be required as outlined in the Fourth Schedule of the Resource Management Act 1991. **If you are unsure whether a separate AEE is required, please contact the Consents Team prior to lodging your application.** The extent of detail required should be relative to the scale and significance of the potential adverse effects that the activity may have on the receiving environment. The AEE must contain, but is not limited to:

- if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
- an assessment of the actual or potential effect on the environment of the activity;
- if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;
- if the activity includes the discharge of any contaminant, a description of -
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
- a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
- identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
- if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
- if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

24. Policy Assessment

For larger applications, you may also need to provide a policy assessment which includes an assessment of the proposed activity against:

- the matters set out in Part 2 of the Resource Management Act 1991; and
- any relevant objectives, policies, rules or other provisions of:
 - the National Policy Statement for Freshwater Management 2020 (and any subsequent versions);
 - the Otago Regional Policy Statement or proposed Regional Policy Statement;
 - any other relevant national environmental standards or national policy statements.

CHECKLIST

In order to submit a complete application, have you remembered to?

- Fully completed this application form and Form 1?
- Attached an Assessment of Environmental Effects? (if required)
- Attached maps, technical drawings and photographs as appropriate?
- Attached any written approvals?
- Paid your deposit or attached a cheque?

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.