

General conditions Form 46

To accompany an application form for any activity in a natural wetland



Phone: 0800 474 082

Website: www.orc.govt.nz

IMPORTANT NOTES TO THE APPLICANT

This form is to be used for any activities within natural wetlands that may require consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

This form sets out the general conditions that must be complied with in order for an activity to be permitted.

If you answer **no** to one or more of the conditions set out below, consent will be required.

Definitions relevant to activities in natural wetlands:

Wetland: Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions

Natural wetland: Means a wetland (as defined in the Act) that is not:

- a. a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
- b. a geothermal wetland; or
- c. any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

Natural inland wetland: Means a natural wetland that is not in the coastal marine area.

Vegetation clearance:

- a. Means the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning); and
- b. Includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, over-planting, applying the seed of exotic pasture species, mob-stocking, or draining away water); but
- c. Does not include—
 - iii. an activity described in paragraph (a) or (b) that is for the maintenance or construction of fencing for the purpose of excluding stock or marking property boundaries; or
 - iv. an activity described in paragraph (a) or (b) that is for the maintenance of shelter belts; or
 - v. the grazing of improved pasture within the relevant setback from a natural wetland.

Earthworks: Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Land disturbance: Means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand, and rock) that does not permanently alter the profile, contour, or height of the land.

Part A: Prior notice of activity

A.1 At least 10 working days prior to starting the activity, do you agree to provide the regional council with the following information in writing?

- a. a description of the activity to be undertaken; and
- b. a description of, and map showing, where the activity will be undertaken; and
- c. a statement of when the activity will start and when it is expected to end; and
- d. a description of the extent of the activity; and
- e. their contact details.

Yes

No

If no, why not?

Part B: Water quality and movement

B.1 Where a discharge of contaminants may enter a natural wetland, will the discharge be managed to ensure any of the following effects will not occur:

- a. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
- b. a conspicuous change in colour or visual clarity:
- c. an emission of objectionable odour:
- d. the contamination of freshwater to the extent that it is not suitable for farm animals to drink:
- e. adverse effects on aquatic life that are more than minor.

	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, why not? <hr/> <hr/> <hr/>
B.2	<p>Will the activity be managed to ensure there is no increase in the level of flood water that would, in any flood, inundate the 1% AEP floodplain?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why not? <hr/> <hr/> <hr/> <p>If yes, either:</p> <ul style="list-style-type: none"> a. does the person undertaking the activity own or control the land that would be affected by the flooding? b. has written approval been obtained from each person who owns or control land that would be affected by the flooding? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please attach any certificate of title of written approvals to the application.</i>
B.3	<p>Will the activity be managed to ensure natural movement of water into, within or from any natural wetland is not altered?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why not? <hr/> <hr/> <hr/>

	<p>Will the activity be managed to ensure water is not taken or discharged to or from a natural wetland?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If no, why not?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>If you answered yes to either of the questions above, will the activity be undertaken in accordance with the following conditions?</p> <ul style="list-style-type: none"> a. the activity must be undertaken during a period when there is a low risk of flooding; and b. the activity must be undertaken only for as long as necessary to achieve its purpose; and c. before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and d. the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 14 days after the start of the activity; and e. if the activity is damming, the dam must be no higher than 600 mm; and f. if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake. <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>B.4</p>	<p>Will the activity be managed to ensure debris and sediment are not:</p> <ul style="list-style-type: none"> a. Placed within 10 m of a natural wetland; or b. Allowed to enter any natural wetland <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If no, why not?</p> <p>_____</p> <p>_____</p> <p>_____</p>

Part C: Earth stability and drainage

C.1

Will the activity be managed to ensure it does not create or contribute to:

- a. the instability or subsidence of a slope or another land surface; or
- b. the erosion of the bed or bank of any natural wetland; or
- c. a change in the points at which water flows into or out of any natural wetland; or
- d. a constriction on the flow of water within, into, or out of any natural wetland; or
- e. the flooding or overland flow of water within, or flowing into or out of, any natural wetland.

Yes

No

If no, why not?

Part D: Earthworks, land disturbance and vegetation clearance

D.1

Will the activity be managed to ensure it meets the following conditions?

- a. during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural wetlands; and
- b. the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and
- c. the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and
- d. if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.

Yes

No

If no, why not?

Part E: Vegetation and bird and fish habitats

- E.1** Will the activity be managed to ensure it meets the following conditions?
- a. only indigenous species that are appropriate to a natural wetland (given the location and type of the natural wetland) may be planted in it; and
 - b. the activity must not result in the smothering of indigenous vegetation by debris and sediment; and
 - c. the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and
 - d. the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and
 - e. the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.

Yes

No

If no, why not?

Part F: Historic heritage

- F.1** Will the activity be managed to ensure it does not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage?

An enactment includes any kind of instrument made under an enactment.

Yes

No

If no, why not?

Part G: Machinery, vehicles, equipment and construction materials

G.1

Will the activity be managed to ensure it meets the following conditions?

- a. machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
- b. machinery that is used for the activity must sit outside a natural wetland, unless it is necessary for the machinery to enter the natural wetland to achieve the purpose of the activity; and
- c. if machinery or vehicles enter any natural wetland, they must be modified or supported to prevent them from damaging the natural wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
- d. the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural wetland.

Yes

No

If no, why not?

Part H: Miscellaneous

H.1

Will the activity be managed to ensure it meets the following conditions?

- a. the activity must be undertaken only to the extent necessary to achieve its purpose; and
- b. the activity must not involve the use of fire or explosives; and
- c. if there is existing public access to a natural wetland, the activity must not prevent the public from continuing to access the natural wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and
- d. no later than 5 days after the activity ends, —
 - i. debris, materials, and equipment relating to the activity must be removed from the site; and
 - ii. the site must be free from litter.

Yes

No

	<p>If no, why not?</p> <hr/> <hr/> <hr/>
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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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