

Resource Consent Application Form 60c –Disturbance of contaminated land



Otago
Regional
Council

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IMPORTANT NOTES TO THE APPLICANT

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

The application is for the disturbance of contaminated land managed under the Regional Plan: Waste for Otago (RPW). If this is an application for small scale disturbance please consider **Form 60a**.

For the purpose of the RPW, contaminated land is a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses, or is likely to pose an immediate or long term hazard to human health or the environment.

The National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health (NES-CS) also manages the disturbance of contaminated land. If your activity requires consent under the NES-CS, please get in touch with your District Council.

For the purpose of the NES-CS, contaminated land is a piece of land that is described by 1 of the following:

- (a) an activity or industry described in the HAIL is being undertaken on it.
- (b) an activity or industry described in the HAIL has been undertaken on it.

The HAIL is the Hazardous Activities and Industries List, which can be found here: <https://environment.govt.nz/publications/hazardous-activities-and-industries-list-hail/>

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 must return your application or may 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 in significant. In order to confirm whether the completed form alone would be adequate, please contact Council at (consents.enquires@orc.govt.nz) to discuss with a Planner / arrange a pre-application meeting.

You can find helpful information relating to applications for contaminated land in our [practice notes](#).

1. LOCATION OF THE DISTURBANCE ACTIVITY

A landholding is defined as either land in a single record of title, land in two or more adjoining records of title with a common occupier, or all contiguous land acquired under one instrument of conveyance and occupied by a common occupier.

1.1 Which city/district are you in?

- Queenstown Lakes District
- Central Otago District
- Dunedin City
- Clutha District
- Waitaki District

1.2 Is consent required from the territorial authority?

- Yes – Please describe why consent is required below:
- No

If consent is also required from the territorial authority, we recommend that this is applied for at the same time as the consents required from Otago Regional Council. In order to be efficient and reduce costs, Otago Regional Council will endeavour to combine processing with the Territorial Authority where possible.

2. DESCRIPTION OF THE ACTIVITY

2.1 Please describe the disturbance to be undertaken, including the area and volume of the disturbance, and the purpose of the disturbance:

2.2 Will the disturbance be for the purpose of residential development?

- Yes – Please also fill out Form 28, which can be found here:
<https://www.orc.govt.nz/media/16053/form-28-application-for-residential-earthworks.pdf>
- No

2.3 Scale of disturbance

a. What is the maximum depth of disturbance in metres?

- b. What is the maximum height of any fill (above natural ground) in metres?**
- c. What is the maximum volume of disturbance in metres?**
- d. What is the slope of the area which will be disturbed?**
- e. Will the volume of the disturbance of the soil of the piece of land will be more than 25 m³ per 500 m²?**
 - Yes
 - No – Please use Form [60a](#), which is for small scale disturbance of contaminated land

2.4 Duration of works

- a. When are works expected to start?**
- b. How long are works expected to take?**

2.5 Contaminated land

- a. What is the nature of the HAIL activity that is, or has been undertaken on the site, or has a preliminary site investigation been undertaken on the site?**

2.6 Site investigations

- a. Has a preliminary site investigation, detailed site investigation or other soil investigation (e.g., testing) been undertaken for the piece of land to be disturbed?**
 - Yes – Please attach to the application.
 - No

If no, please provide comment on why this is appropriate with reference to Ministry for the Environment Contaminated Land Management Guidelines eg. letter from suitably qualified and experienced person

b. If a detailed site investigation has been undertaken, does it state that the soil contamination does or does not exceed the applicable guidelines protective of human health and environment?

- The soil contamination does not exceed the applicable guidelines
- The soil contamination does exceed the applicable guidelines

If it does exceed the applicable guidelines please include a risk assessment

c. Describe any other information held in relation to the contaminated land, such as soil sampling from the site that has been undertaken by a Suitably Qualified Person and any results of this soil sampling:

2.7 Please provide a map or aerial image showing:

- The landholding boundary, as per the legal description(s) above
- All areas where earthworks will occur
- Within and near the areas where earthworks will occur, identify:
 - Any waterways, including rivers, streams, lakes, drains, water races and ponds
 - Any wetlands, including natural inland wetlands
 - The coastal marine area
 - 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 dwellings
- The location of any contaminated or potentially contaminated land
- Nature of the terrain where earthworks will occur, including slope (flat, rolling, steep) and direction of slope
- A north symbol (oriented to the top of the page if possible) and scale bar

2.8 In addition to the map or aerial image required above, you may also wish to provide some photos of the site, and any of the waterbodies identified on the map.

3. DESCRIPTION OF THE AFFECTED ENVIRONMENT

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.

3.1 Please identify any sensitive receptors near the area where the disturbance will occur, using the table below.

	Specific details about the sensitive receptor*	Distance to disturbance area
River		
Stream		
Lake		
Drain		
Water race		
Pond		
Wetland		
Coastal marine area		
Bore		
Soakhole		
Neighbouring dwellings		
Vegetation, including natives		
Other		

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

3.2 Is the proposed disturbance located in a historical place, recorded archaeological site, or in an area of cultural or spiritual significance to Tangata Whenua?

Yes – Please describe below

No

3.3 Underlying material

a. If known, what are the underlying soil types on the disturbance area?

b. If known, are there any other materials other than soil likely to be encountered during disturbance?

For example, demolition fill, rock, organic material other than soil

3.4 If known, what is the current state of water quality in the water bodies within or near your disturbance area?

3.5 If known, what are the groundwater levels within or near your disturbance area?

4. MANAGEMENT OF THE DISTURBANCE

4.1 Site management plans should be in accordance with Ministry for the Environment Contaminated Land Management Guidelines (CLMG) no.1

a. What is the contaminant type and source on the land to be disturbed?

b. Please describe how contaminated soils will be managed, including whether contaminated soil will be retained on site, or removed from the site.

c. What health and safety protection measures are proposed to be implemented during the works, particularly in regard to ensuring public safety?

4.2 Erosion and Sediment Control

Otago Regional Council defers to the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, 2016 guideline document, published by Auckland Council (GD2016/005) for guiding erosion and sediment control measures when undertaking earthworks.

a. Will you be undertaking earthworks in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, 2016 guideline document?

Yes

No – Please describe why not, and what measure you propose to manage erosion and sediment on site.

Deviations from GD05 may be considered by ORC provided that there is sufficient information and evidence provided by an SQEP to support that the deviation sought would achieve erosion and sediment control to an equivalent standard. This must be demonstrated with appropriate supporting evidence through the application. Clear justification as to why any deviations from GD05 are appropriate must be supplied. General statements regarding the differences in the climate, soil and weather patterns in the Auckland and Otago Regions will not be accepted as sufficient justification.

b. Will you be undertaking the earthworks in accordance with an Environmental Management Plan (EMP) and/ or an Erosion and Sediment Control Plan (ESCP)?

- Yes
- No – Please describe why not, and what measure you propose to manage erosion and sediment on site.

c. Have you already created an EMP and/or ESCP?

- Yes – Please attach it to your application
- No - Please describe why not, and what measure you propose to manage erosion and sediment on site.

4.3 Water quality and quantity

a. Is groundwater likely to be encountered during works?

- Yes – Please describe how works around groundwater be managed.
You may need additional consents, such as a bore consent, as well as a permit to take, discharge and/or divert groundwater.
- No

b. If there are any surface waterbodies near the area of earthworks, please describe how the disturbance will be managed to avoid sediment loss to those waterbodies:

c. How will stormwater and sediment laden run-off be managed on site? Please also comment on contingency measures for extreme weather events.

Note: this is not applicable if you have provided a suitable ESCP under question 4.2(c)

d. Will you be using water from waterways, lakes or groundwater for the management of dust?

- Yes – Where will the water be taken from?
You may need an additional consent for the take and use of water.
- No

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In assessing the potential effects of your earthworks activity, the key effects council staff will look at are the effects on air quality, surface and groundwater, human health, ecosystems and values and effects on Kai Tahu cultural and spiritual beliefs, values and uses.

5.1 Describe the effects of the activity on human health.

5.2 Describe the effects of the proposed disturbance on air quality.

The disturbance of contaminated land may generate contaminated dust, odour, and/or volatile substances.

5.3 Describe the effects of the proposed disturbance on water quality.

Disturbance activities have the potential to negatively impact water quality, particularly through the run-off of sediment or contaminated material. In this section, describe how your management practices will ensure adverse effects on surface and groundwater quality, including cumulative effects, are avoided or minimised as best possible.

Such measures may include setbacks and buffers to waterbodies and bores and the use of erosion and sediment control measures.

5.4 Describe the effects of the proposed disturbance on water quantity.

The disturbance of contaminated land has the potential to impact water quantity, particularly if groundwater is intercepted during the disturbance. In this section, describe how your management practices will ensure adverse effects on surface and groundwater quantity are avoided or minimised as best possible.

5.5 Describe the effects of the proposed disturbance on cultural values.

The disturbance and associated discharge from contaminated land have the potential to impact Kāi Tahu values. In this section, describe any spiritual and cultural beliefs, values and uses of significance to Kāi Tahu identified in Schedule 1D of the Regional Plan: Water for Otago, and nearby Rūnanga sensitive receptors (Statutory Acknowledgement Areas, food gathering places, rock art sites etc.), and how your disturbance might affect these features and the associated cultural values. Also consider any mapped area of cultural significance contained in district plans.

5.6 Describe the positive effects of your proposal.

6. STATUTORY ASSESSMENT

For your application to be accepted for processing, it needs to include an assessment of your activity against the relevant planning documents. You should include this assessment on a separate document. You should make sure that this assessment includes the below documents. This list is not exhaustive, but provides the most common documents:

- Resource Management Act – Part 2
- National Policy Statement for Freshwater Management 2020
- National Policy Statement for Highly Production Land 2022
- National Policy Statement for Indigenous Biodiversity 2023
- National Environmental Standards for Freshwater 2020
- National Environmental Standard for Assessing and Mapping Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Sources of Human Drinking Water 2007
- Regional Policy Statements, including:
 - Otago Regional Policy Statement 2019
 - Decisions on Otago Regional Policy Statement 2021
- Regional Plan: Water for Otago
- Regional Plan: Waste for Otago
- Relevant Iwi Management Plan(s)

You should also check if your proposal needs consents under the National Environmental Standards for things such as culverts and works near wetlands. If this is the case, then please also fill out the application forms for these on our website.

7. AFFECTED PARTIES AND WRITTEN APPROVALS

7.1 Please describe any consultation undertaken with persons/parties potentially affected by your proposal.

If you are not the owner of the land upon which the drilling is proposed, written approval is required from all parties who own the land as shown on the Certificate of Title. This is to demonstrate that agreement has or is being attained where the activity is located on property that you do not own.

You do not have to undertake consultation, but if you do you need to tell us about it. Please include evidence of any correspondence you have had with these persons/ parties.

7.2 Please attach any written approvals received for your proposal 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.

Please supply written approvals at the time of lodging your application to reduce delays in consent processing and to keep costs to a minimum. You can use the written approval form available on the ORC website.

8. CHECKLIST

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

- Fully complete this application form and Form 1
- Attached an Assessment of Environmental Effects? (if required following confirmation by an Otago Regional Council Planner)
- Attached policy assessment Form – [Policy Sheet for forms 60a, 60b, & 60c](#)
- Attached maps and drawings as appropriate
- Attached a Certificate of Title less than 3 months old
- Attached any written approvals
- Paid your deposit or attached a cheque
- Information from your Suitably qualified and experience person

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.