

# Resource Consent Application Form 10B

Land Use Consent - Drainage maintenance and stream clearing works



## 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 undertake stream clearing works for the purposes of land drainage, sediment removal and vegetation removal etc. Before completing this form we recommend that you contact Council's Resource Science Unit to discuss any aquatic life that may be present as this may alter the way that you wish to undertake the proposed works.

This form does not cover the erection, alteration, demolition etc of any structure in, on or over the bed of a waterbody - please refer to the ORC website for an alternative form these activities.

For activities located within a flood protection or drainage scheme identified in ORC's Flood Protection Management Bylaw 2012, please obtain authorisation / bylaw approval from ORC's Engineering Team before applying for resource 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)

Vegetation removal

Sediment removal

Other (please specify) \_\_\_\_\_

2. What is the purpose of the proposed works?

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3. What term of consent is sought to undertaken these works?

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**4. Name the waterbody where the proposed works will take place.**

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**5. 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)

**6. Describe the property on which the proposed works will take place.**

Full name(s) of owner(s) \_\_\_\_\_

Address \_\_\_\_\_

Legal Description(s) (as shown on Certificate of Title) \_\_\_\_\_

Are the proposed works located on Crown Riverbed: Yes  No

If Yes, give the legal description of the property adjacent to the proposed works.

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**7. Please attach a map showing:**

- The area where the activity is to occur, including watercourses and flow direction
- Specific sections of the watercourses where the proposed works will occur
- The location of any existing structures
- Road frontages and names
- Catchment area, where it can be shown
- North point and scale bar

**8. Please attach colour photographs of the site including:**

- Photos of any existing structures at the site
- Photos of the waterbody looking downstream and upstream of the site(s)
- Photos showing a cross section of the site(s)
- Cross sections 50 m upstream and downstream of the site(s)

**9. Please describe the waterbody at the site of the proposed works:**

Width of waterbody \_\_\_\_\_

Approximate maximum depth of water \_\_\_\_\_

Bed material (e.g. rocky, sandy, silty etc) \_\_\_\_\_

Flows (for larger waterbodies see [www.orc.govt.nz/waterinfo](http://www.orc.govt.nz/waterinfo)) \_\_\_\_\_

Does the waterbody flow all year round? \_\_\_\_\_

Water colour / clarity \_\_\_\_\_

Bank material (e.g. weathered rocky, clay etc) \_\_\_\_\_

Bank vegetation \_\_\_\_\_

Bank slope \_\_\_\_\_

Catchment characteristics (e.g. steep, forested, farmland etc) \_\_\_\_\_

What is the size of the upstream catchment? (hectares) \_\_\_\_\_

Is the site located in or near a Regionally Significant Wetland? \_\_\_\_\_

**10. Within 100 metres of the proposed works, there any of the following:**

Signs of fish / invertebrate life? Describe. \_\_\_\_\_

Areas where food is gathered from the waterbody? Describe. \_\_\_\_\_

Wetlands nearby? Describe. \_\_\_\_\_

Waste discharges (e.g. industries, sewage plants)? Describe. \_\_\_\_\_

Recreational activities? Describe. \_\_\_\_\_

Areas of significance to iwi? Describe. \_\_\_\_\_

Water takes? Describe. \_\_\_\_\_

Signs of erosion? Describe. \_\_\_\_\_

**METHODOLOGY**

**11. Describe how the proposed works will be undertaken, including (but not limited to):**

- a. Hours of operation;
- b. Total duration of the works and proposed commencement and completion dates;
- c. Who will be undertaking the works;
- d. Whether the work will be undertaken in stages and what the different stages involve;
- e. Machinery to be used and whether it will be operated from the bank or within the bed of the waterbody;
- f. How you will minimise the mobilisation / release of sediment.

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12. Please attach cross section diagrams extending from at least the top of the left bank to the top of right bank, showing what sections of the watercourse(s) look like at present and what they will look like when works are completed. Include before and after depth and width measurements.

**Note:** If your application includes any channel/bank reshaping, you may be requested to provide additional cross sections carried out by a surveyor. If your proposal includes substantial channel/bank reshaping, you may also require additional information including, as a minimum, an assessment of the effects of the proposed works on flood hazard and erosion.

**Note:** ‘Battering’ refers to small scale bank disturbance to remove the upper-most section of the stream bank only and does not considerably change the hydraulics of the stream or the cross-sectional area. ‘Reshaping’ refers to larger-scale bank disturbance extending further towards the wet bed of the watercourse. Reshaping changes the cross-sectional area of the watercourse and the stream hydraulics.



Figure 1: Cross section a typical waterway (blue solid line). Green dashed line is an example of 'battering'. Red dashed line is an example of 'bank or channel reshaping'.

**13. How many metres of clearance will be undertaken in the initial clearance?**

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**14. Are you intending to follow up with maintenance clearing? If yes, please describe.**

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**15. If channel battering or reshaping is to occur, what is the approximately length that is expected to occur?**

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**16. Will the works be undertaken in flowing water, or will the water be dammed or diverted in any way to provide a dry working area? Please describe.**

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**17. Please comment on the extent of bank disturbance and vegetation clearance required to undertake the works, including road / track construction.**

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**18. Will public access to any part of the waterbody be restricted during or following the works? If yes, please describe to what extent and for how long.**

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

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## TYPES OF CONSENT NEEDED

**20. Does the disturbance of the bed of the waterbody associated with the proposed works comply with permitted activity Rule 13.5.1.1 of the Regional Plan: Water?**

Yes

No (*specify why*)

- there will be an increase in scale of an existing structure
- bed disturbance will be wider than the general area of the structure
- bed disturbance will cause flooding or erosion
- time to complete the work in the wetted bed will exceed 10 hours
- sediment discharge associated with bed disturbance will result in a conspicuous change in colour or water clarity more than 200 m downstream
- a lawful water take will be adversely affected
- site will not be left tidy upon completion
- there will be a change to the hydrological function of a Regionally Significant Wetland
- there will be damage to fauna, or New Zealand native flora, in or on a Regionally Significant Wetland

**21. If water is to be dammed or diverted as a result of the proposed works, will the damming / diversion comply with permitted activity Rule 12.3.2.1 or 12.3.2.3 of the Regional Plan: Water?**

Yes

No (*specify why*)

- the size of the catchment upstream is more than 50 hectares in area
- the depth of water immediately upstream of the dam will be more than 3 metres deep or more than 20,000 cubic metres in volume
- the course of water will not remain within the bed of the waterbody
- the course of water will not be returned to its normal course
- a lawful water take will be adversely affected
- a Regionally Significant Wetland will be affected
- the damming / diversion will cause erosion, land instability, sedimentation or property damage
- the damming / diversion is prohibited by Rules 12.3.1.1 to 12.3.1.4

## ASSESSMENT OF ENVIRONMENTAL EFFECTS

Instream works have the potential to affect a number of matters listed below. Some typical solutions to avoid, remedy or mitigate these adverse effects have been provided. If you intend on using these typical solutions, check the box provided. If you are proposing an alternative solution, please provide details (and on a separate sheet if required). **Note that all actual and potential adverse effects must be addressed.**

### 22. Water Quality (please tick)

YES NO N/A

- Fuel storage tanks and machinery working and stored in the construction area shall be maintained at all times to prevent leakage of oil and other contaminants into water, and no refuelling of machinery shall occur within the waterbody.
- All machinery shall be water-blasted prior to being brought on site, to reduce the potential for pest species being introduced to water.
- At no time during the proposed works shall machinery be washed within the bed of the waterbody.
- All reasonable steps shall be taken to minimise the release of sediment to water by undertaking the following methods (please tick):
  - Sediment traps
  - Undertaking work when flows are low / waterbody is dry
  - Diverting water from the working area
  - Other (please specify)

If you have answered "NO" to any of the above, you must explain why:

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### 23. Bed / Habitat Disturbance (please tick)

YES NO N/A

- Works will be undertaken when flows in the waterbody are low.
- Works will not be undertaken between certain months avoid disturbing spawning habitat (please specify months): \_\_\_\_\_
- Fish passage will be provided for.
- Bed disturbance will be limited only to the extent necessary to carry out the works.
- Machinery used to undertake the works will not be operated from the wet bed.

If you have answered "NO" to any of the above, you must explain why:

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**24. Erosion** (please tick)

**YES NO N/A**

- Damage to riparian vegetation will be minimised when undertaking the works.
- Any damage to the stream banks, including riparian vegetation, as a result of the works will be reinstated within one month.
- Where permanent diversions of water are undertaken:
  - All reasonable measures will be undertaken to promote bank stability of any new channel as rapidly as possible.
  - There will be no reduction in the surface flow of the waterbody as a result of the diversion.

If you have answered "NO" to any of the measures above, you **MUST** explain why:

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**25. Other Water Users**

**YES NO N/A**

- Lawful water takes downstream of the proposed works will not be adversely affected.
- Recreational users of the waterbody will be affected by the proposed works.

If lawful water takers or recreational users will be affected, please provide measures to avoid, remedy or mitigate adverse effects on them:

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**26. Other Waterbody Values**

**YES NO N/A**

- Amenity and natural character of the waterbody will not be significantly affected by the proposed works.
- The site will be tidied upon completion of works.
- Public access to the waterbody will not be impeded by the proposed works.
- Hours of work will be between 7.00 am and 7.00 pm, Monday to Friday, and will not be undertaken on Public Holidays. If hours of work to differ from that given, please state here: \_\_\_\_\_
- If koiwi tangata (human skeletal remains), Maori artefact material, or archaeological material that predates 1900 is found, work will stop until an inspection by the appropriate authorities can be made.
- Effects on heritage values will be avoided.

If you have answered "NO" to any of the measures above, you **MUST** explain why:

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## 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.

### 27. 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).
- Allow discharges of water or contaminants to lakes, rivers and wetlands that have minor effects or are short term (7.B.3).
- Encourage adaptive management and innovation that reduces the level of contaminants in discharges (7.B.8).
- 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 structures, associated erosion, sedimentation or land instability, or any reduction in the flood carrying capacity of any lake or river (8.4.1).





## 29. 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).

## 30. 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 a Certificate of Title for the site that is less than 3 months old?
- 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.