

Policy Sheet for Form 40

Vegetation clearance, earthworks or land disturbance and take, use, damming, diversion, or discharge of water for specified infrastructure construction



Phone: 0800 474 082

Website: www.orc.govt.nz

IMPORTANT NOTES TO THE APPLICANT

This sheet is to be used alongside the Application Form for construction of specified infrastructure activities that require consent.

A policy assessment against the documents set out in this sheet is required in order to have the application accepted as complete under s88 of the Resource Management Act 1991.

Please indicate with a check mark each relevant matter from the documents set out below and provide a comment on the consistency of the proposal with that document in the space provided.

Resource Management Act 1991

Part 2: Purpose and Principles

- Section 5 Purpose *Sustainable management of natural and physical resources is promoted*
- Section 6 Matters of National Importance *Recognise and provide for the identified matters of national importance, including natural character, outstanding natural features and landscapes, significant indigenous vegetation and fauna, public coastal access, relationship of Maori, historic heritage, protected customary rights and significant risks from natural hazards.*
- Section 7 Other matters *Have particular regard to other matters, including kaitiakitanga, the ethic of stewardship, efficient use and development of resources, efficient use of energy, amenity values, intrinsic values of ecosystems, quality of the environment, finite characteristics of resources, climate change, benefits of renewable energy*
- Section 8 Treaty of Waitangi *Take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*

Comment regarding the consistency of the proposal with Part 2 of the Resource Management Act:

Section 105: Matters relevant to certain applications

If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—

- the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- the applicant's reasons for the proposed choice; and
- any possible alternative methods of discharge, including discharge into any other receiving environment.

Comment regarding the matters set out in Section 105 of the Resource Management Act:

Section 107: Restrictions on grant of certain discharge permits

A consent authority shall not grant a discharge permit to do something if, after reasonable mixing, the contaminant or water discharged is likely to give rise to all or any of the following effects in the receiving waters:

- the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
- any conspicuous change in the colour or visual clarity:
- any emission of objectionable odour:
- the rendering of fresh water unsuitable for consumption by farm animals:
- any significant adverse effects on aquatic life.

Comment regarding the matters set out in Section 107 of the Resource Management Act:

National Policy Statement for Freshwater Management 2020

- Objective 2.1 *Natural and physical resources are in a way that prioritises: first, the health and well-being of water bodies and freshwater ecosystems; second, the health needs of the people; third the ability to provide for social, economic and cultural well-being*
- Policy 1 *Freshwater is managed in a way that gives effect to Te Mana o te Wai*
- Policy 2 *Tangata whenua are actively involved in freshwater management, and Māori freshwater values are identified and provided for*
- Policy 3 *Freshwater is managed in an integrated way*
- Policy 4 *Freshwater is managed as part of New Zealand's integrated response to climate change*
- Policy 5 *Freshwater is managed through a National Objectives Framework*
- Policy 6 *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted*
- Policy 7 *The loss of river extent and values is avoided to the extent practicable*
- Policy 8 *The significant values of outstanding water bodies are protected*
- Policy 9 *The habitats of indigenous freshwater species are protected*
- Policy 10 *The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9*
- Policy 11 *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided*
- Policy 12 *The national target (as set out in Appendix 3) for water quality improvement is achieved*
- Policy 13 *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends*
- Policy 14 *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published*
- Policy 15 *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement*

- Clause 3.22(1) policy to be included in regional plan *The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted*
- Clause 3.24(1) policy to be included in regional plan *The loss of river extent and values is avoided*
- Clause 3.26(1) objective to be included in regional plan *The passage of fish is maintained or improved, except where it is desirable to prevent the passage of some fish species*

Comment regarding the consistency of the proposal with the National Policy Statement for Freshwater Management 2020:

Partially Operative Regional Policy Statement for Otago 1998

5: Land

- Objective 5.4.1 *Promote the sustainable management of Otago's land resources*
- Objective 5.4.2 *Avoid, remedy, or mitigate degradation or natural and physical resources*
- Objective 5.4.3 *Protect outstanding natural features and landscapes from inappropriate subdivision, use and development*
- Policy 5.5.2 *Promote the retention of the primary productive capacity of existing high-class soils*
- Policy 5.5.3 *Maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects*
- Policy 5.5.4 *Promote the diversification and use of Otago's land resource*
- Policy 5.5.5 *Minimise the adverse effect of land use activities on the quality and quantity of Otago's water resource*
- Policy 5.5.6 *Recognise and provide for the protection of Otago's outstanding natural features and landscapes*

6: Water

- Objective 6.4.2 *Maintain and enhance quality of water resources*
- Objective 6.4.3 *Safeguard the life-supporting capacity of Otago's water resources through protecting quantity and quality*
- Objective 6.4.4 *Maintain and enhance the ecological, intrinsic, amenity and cultural values of water resources*
- Objective 6.4.5 *Avoid, remedy, or mitigate degradation of water resources from the use, development or protection of beds and banks of waterbodies*
- Objective 6.4.6 *Mitigate the threat of flooding and riverbank erosion from the use, development or protection of water bodies and lake beds*
- Objective 6.4.8 *Protect areas of natural character, outstanding natural features, and landscapes*
- Policy 6.5.2 *Allocation of water in areas with insufficient water supplies*
- Policy 6.5.3 *Promote efficient consumptive water use*
- Policy 6.5.5 *Promote a reduction in adverse effect of contaminant discharges into water bodies*
- Policy 6.5.6 *Protect Otago's remaining significant wetlands from effects of any activity*
- Policy 6.5.7 *Maintain and enhance existing well vegetated riparian margins*
- Policy 6.5.9 *Allow for the use, development or protection of beds and banks of water bodies*

Comment regarding the consistency of the proposal with the Partially Operative Regional Policy Statement for Otago 1998:

Partially Operative Otago Regional Policy Statement 2019

Resource management in Otago is integrated

- Objective 1.1 *Otago's resources are used sustainably to promote economic social, and cultural wellbeing for its people and communities*
- Objective 1.2 *Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago*
- Policy 1.1.1 *Economic wellbeing*
- Policy 1.1.2 *Social and cultural wellbeing and health and safety*
- Policy 1.2.1 *Integrated resource management*

Kai Tahu values and interests are recognised and Kaitiakitaka is expressed

- Objective 2.1 *The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions*
- Objective 2.2 *Kai Tahu values, interests and customary resources are recognised and provided for*
- Policy 2.1.2 *Treaty principles*
- Policy 2.2.1 *Kāi Tahu wellbeing*
- Policy 2.2.2 *Recognising sites of cultural significance*

People are able to use and enjoy Otago's natural and built environment

- Objective 5.3 *Sufficient land is managed and protected for economic production*
- Objective 5.4 *Adverse effects of using and enjoying Otago's natural and physical resources are minimised*
- Policy 5.4.2 *Adaptive management approach*
- Policy 5.4.3 *Precautionary approach to adverse effects*

Comment regarding the consistency of the proposal with the Partially Operative Otago Regional Policy Statement 2019:

Regional Plan: Water for Otago

5. Natural and Human Use Values of Lakes and Rivers

- Objective 5.3.3 *To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development*
- Objective 5.3.4 *To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins*
- Objective 5.3.6 *To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers*
- Objective 5.3.8 *To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers*
- Policy 5.4.1 *Identify natural and human use values supported by rivers and lakes*
- Policy 5.4.2 *Avoid, remedy, or mitigate adverse effects and flooding, erosion, land instability, sedimentation, or property damage from the management of surface water, groundwater, beds and margins of lakes and rivers*
- Policy 5.4.3 *Avoid adverse effects on existing lawful uses and existing lawful priorities for the use of lakes and rivers and their margins*

- Policy 5.4.4 *To recognise Kai Tahu's interest in lakes and rivers*
- Policy 5.4.8 *Matters to have particular regard to when considering adverse effects on natural character*
- Policy 5.4.9 *Matters to have particular regard to when considering adverse effects on amenity values*

7. Water Quality

- Objective 7.A.1 *To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded*
- Objective 7.A.2 *Enable to the discharge of water or contaminants to water or land*
- Objective 7.A.3 *To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality*
- Policy 7.B.1 *Manage the water quality in lakes, rivers, wetlands, and groundwater*
- Policy 7.B.2 *Avoid objectionable discharges of water or contaminants*
- Policy 7.B.3 *Allow discharges of water or contaminants that have minor effects, or that are short-term discharges with short-term adverse effects*
- Policy 7.B.4 *Matters to have regard to when considering any discharge of water or contaminants to land*
- Policy 7.B.5 *Matters to have regard to when discharging water from one catchment to another*
- Policy 7.B.6 *Consider the need for and extent of physical mixing zone for discharges of contaminants to water*
- Policy 7.B.7 *Encourage land management practices that reduce the adverse effects of water or contaminant discharges to water*
- Policy 7.B.8 *Encourage adaptive management and innovation that reduces the level of contaminants in discharges*
- Policy 7.D.1 *Encourage innovation in management practices and the sharing of information*
- Policy 7.D.3 *Prohibit objectionable discharges of water or contaminants that degrade the natural and human use values of lakes, rivers, wetlands, and groundwater*
- Policy 7.D.5 *Matters to have regard to when considering any discharge under section 12.C*

8. The Beds and Margins of Lakes and Rivers

- Objective 8.3.1 *For lakes and rivers, maintain stability and function of existing structures, stability of the bed, and flood and sediment carrying capacity*
- Objective 8.3.2 *Minimise reduction in water clarity caused by bed disturbance*
- Objective 8.3.3 *Maintain the integrity of existing defences against water*
- Policy 8.4.1 *Matters to avoid when managing activities in, on, under or over the bed or margin of a lake or river*
- Policy 8.4.2 *Financial contributions, works or services to offset, remedy or mitigate unavoidable adverse effects of damming or reclamation*
- Policy 8.5.1 *Require and structure in/or the bed of a lake or river to provide for fish migration through or past it, or alternative remedial measures with fish migration is not practicable*
- Policy 8.5.4 *Consider the removal of an abandoned structure in the bed of a lake or river which has adverse effects*
- Policy 8.5.5 *Matters to have regard to when constructing, reconstructing, or modifying defences against water*
- Policy 8.5.6 *Manage activities that have the potential to adversely affect existing defences against water*
- Policy 8.6.1 *Matters to have regard to when managing the disturbance to the bed or margin of any lake or river*
- Policy 8.6.2 *Promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers*
- Policy 8.8.1 *Consider practical alternatives to reclamations of the bed of any lake or river, and deposition of any substance in, on or under the bed or margin of any lake or river*
- Policy 8.8.2 *Require only clean fill to be used to create any reclamation of the bed of a lake or river*

9. Groundwater

- Objective 9.3.3 *Maintain the quality of Otago's groundwater*
- Objective 9.3.5 *Avoid degradation of soils arising from inappropriate application of poor-quality groundwater*
- Policy 9.4.1 *In managing the take of groundwater or discharge of contaminants, ensure the suitability of aquifers to support the recognised uses of groundwater identified in Schedule 3 is maintained*
- Policy 9.4.18 *Identify land of risk in terms of vulnerability of underlying groundwater to leachate contamination and manage that land*

- Policy 9.4.19 *Identify land which protects underlying aquifers from leachate contamination and manage excavation with respect to this land*
- Policy 9.4.21 *Support appropriate codes of practice and management guidelines for land use activities which may result in contaminants entering groundwater*
- Policy 9.4.23 *Support the voluntary efforts of landholders in their management of the effects of poor-quality groundwater on irrigated soils*

10. Wetlands

- Objective 10.3.1 *Otago’s wetlands and their individual and collectives and values and uses will be maintained or enhanced for present and future generations*
- Objective 10.3.2 *Otago’s Regionally Significant Wetlands and their values and uses are recognised and sustained*
- Policy 10.4.2 *Avoid adverse effects of an activity on a Regionally Significant Wetland, or a regionally significant wetland value, but allow for remediation or mitigation of an adverse effect in certain circumstances*
- Policy 10.4.2A *Where the avoidance, remediation, or mitigation of adverse effects on any Regionally Significant Wetland or any regionally significant wetland value is not adequate, financial contributions may be required*
- Policy 10.4.6 *Promote the conservation, creation and reinstatement of wetland areas, and enhancement of individual and collective wetland values*

Comment regarding the consistency of the proposal with the Regional Plan: Water for Otago:

Proposed Plan Change 8 to the Regional Plan: Water for Otago

7. Water quality

- Policy 7.D.6 *Matters to have regard to when considering applications for discharges of nitrogen under Rule 12.C.3.2*
- Policy 7.D.9 *Enable farming activities while reducing their adverse effects*
- Policy 7.D.10 *Loss or discharge of sediment from earthworks is avoided or minimised*

Comment regarding the consistency of the proposal with Proposed Plan Change 8 to the Regional Plan: Water for Otago:

Iwi Management Plans

Kai Tahu Ki Otago Natural Resource Management Plan 2005

Is the proposal consistent with the relevant Kai Tahu Ki Otago objectives and policies?

- Yes
 No

Comment regarding the consistency of the proposal with Kai Tahu Ki Otago:

Waitaki Iwi Management Plan 2019

Is the proposal consistent with the relevant Waitaki Iwi Management Plan objectives and policies?

- Yes
 No

Comment regarding the consistency of the proposal with the Waitaki Iwi Management Plan:

Te Tangi a Taurira, Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

Is the proposal consistent with the relevant Te Tangi a Taurira objectives and policies?

- Yes
 No

Comment regarding the consistency of the proposal with Te Tangi a Taurira:

CONTACT US

If you have any queries relating to this policy sheet, 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
Freephone: 0800 474 082 Website: www.orc.govt.nz		