**Application for a Resource Consent – Resource Management Act 1991 (s.88)**

**1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)**

Before you make an application it is recommended that you talk or meet with a Consents Officer to discuss it. A Consents Officer may also be able to undertake a site visit to provide further advice. Noting that a pre-application service charge may apply.

If you would like to arrange this, please phone 0800 884 880.

If you are applying for more than one activity and you have already completed the basic details in Part 1 on another form, go straight to Part 2 of this form.

**See notes to Applicant (last pages of form) before proceeding with application form.**

Land and/or bed disturbing activities within and near water bodies may be subject to rules in the Regional Water and Land Plan and the Regional Coastal Environment Plan. In addition, gravel extraction activities are subject to the Regional Gravel Management Plan, and activities within the Tarawera River Catchment are subject to the Tarawera River Catchment Plan.

These plans can be found on our website <http://www.boprc.govt.nz/knowledge-centre/plans/>.

Reviewing and understanding the rules and assessment criteria applicable to your activity will assist you with preparation of your assessment of environmental effects.

Which rules of the above plan(s) are applicable for your activity?

What is the activity status of your consent application?

Controlled

Restricted Discretionary

Discretionary

If you need assistance determining which rules and activity status are applicable for your activity please call 0800 884 880 and ask to speak to the duty Consents Officer for guidance.

Under Section 88 of the Resource Management Act 1991, the undersigned makes this application for resource consent(s).

**PART 1 SEE FORM 1A**

1. **Full name of applicant(s)** *(the name that will be on the consent)*

Surname:

First names:

**OR**

If the application is being made on behalf of a trust, the Trustees must be named.

Trust name:

Trustees’ name:

**OR**

Company name:

Contact person:

Postal address:

Telephone *(please tick preferred contact number)*

Residential (     )        Business (     )

Cell (     )

Facsimile

Email

1. **Details of consultant** *(or other person authorised to make application on behalf of applicant)*

Company name:

Contact person:

Postal address:

Telephone *(please tick preferred contact number)*

Residential (     )        Business (     )

Cell (     )

Facsimile

Email

All correspondence, including invoices for charges, relating to this application(s) should be sent to:

Applicant  Consultant

1. **Name and address of owner/occupier** *(of the site relating to application)*

**Owner:**

Postal address:

Residential (     )        Business (     )

**Occupier:**

Postal address:

Residential (     )        Business (     )

***Please note:*** *If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.*

1. **Consent(s) being applied for from Bay of Plenty Regional Council**
2. You will need to fill in a separate form for each of the activities you propose to undertake. You may also need consent for one or more of the following.

**Land Use**

❒ Form 1A Culverts, Bridges, Fords, Erosion Protection, Pipes and Associated Works

❒ Form 1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)

❒ Form 1C Lake Structures *(new and existing)*

❒ Form 2A Land Disturbing Activities *(e.g. earthworks and quarrying)*

❒ Form 2B Land Disturbing Activities *(forest harvesting/vegetation clearance)*

***Discharge*** *(including coastal)*

❒ Form 3A Onsite Effluent Discharge

❒ Form 3B Discharge Farm Dairy Effluent

❒ Form 3C Land Use Activities in the Catchments of Lake Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti

❒ Form 4A Discharge Stormwater to Water and/or Land from Urban Residential, Rural

❒ Form 4B Industrial Discharges to Water or Land *(including stormwater)*

❒ Form 4C Discharge Contaminants to Air

***Water*** *(including coastal)*

❒ Form 5A Water Permit Application (s.14) – Take Surface Water *(includes intake structure (s.13))*

❒ Form 5B Water Permit Application (s.14) – Take Groundwater

❒ Form 5C Dam Water

❒ Form 5D Divert Water

❒ Form 6A Geothermal Take and Discharge – Domestic and Light Commercial/Industrial

**Coastal** *(see point 4 of* ***Notes to Applicant*** *for explanation of the Coastal Marine Area)*

❒ Form 7A Application for Consent for Coastal Structures *(including associated occupation and disturbance)*

❒ Form 7B Application to Disturb Coastal Marine Area *(no structure)*

1. In which district is the activity located?

Whakatāne District  Ōpōtiki District

Rotorua District  Kawerau District

Western Bay of Plenty District  Tauranga District

Taupō District

1. Is this application to replace an existing or expired consent(s)?  Yes  No

If Yes, please state the consent number(s)

RC 60776 And Emergency Works Consent under s330 of the RMA.

1. What rule under which plan is the activity applied for? Refer to [http://www.boprc.govt.nz/knoweldge -centre/plans/](http://www.boprc.govt.nz/knoweldge%20-centre/plans/) for the regional plans.
2. Please specify the duration sought for your consent(s).

35 years       months

Start date When consent issued

Completion date *(if applicable)*

1. Do you also require resource consent(s) from a district council?  Yes  No

Type of consent required

Has it been applied for?  Yes  No

Has it been granted? *(If Yes, please attach)*  Yes  No

1. **Location description of activity**

Site address

Legal description *(legal description can be obtained from your Certificate of Title, valuation notice, or rate demand)*

Map reference NZTM, *(if known)*

Name of water body

**PART 2**

1. **Description of activity** *(tick all that apply)*

Excavate, drill, tunnel, or otherwise disturb the bed.

x Deposit any substance in, on, or under the bed.

Reclaim or drain the bed.

Wetland disturbance.

x Other *(please specify)Waitangi Stream Protection Works, Culvert Protection Works*

*Please note: If the activity includes damming or diversion of the water body also complete form 5C and/or 5D.*

* 1. What is the name, if any, of the watercourse or wetland? *(If the stream is unnamed, give the name of the watercourse to which it is a tributary.)*

Waitangi Stream Tributary of Lake Tarawera

* 1. Please describe the proposed activity.

Purpose of activity

To Increase the maximum lake discharge from Lake Okareka to Waitangi Stream from 239L/s to 500L/s and undertake stream and culvert protection works at the discharge location and where required in the Waitangi Stream.

Materials to be used

Duration of works

Volume of extraction

Machinery to be used

Access to site

See Attached 'Lake Okareka Consent Application and AEE

* 1. For all activities, please provide:

1. A site plan showing location of works in relation to property boundaries.

*If you do not have access to mapping software, we recommend you use the regional mapping system available on our website (*[***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***keywords ‘regional mapping****). The mapping system includes property boundary and contour layers, and allows you to carry out a property search, and view and/or print topographic maps or aerial photography.*

1. Concept plans, to scale, on good-quality paper of minimum A4 size.
2. A cross section of the proposed site.
3. Cross sections 50 m upstream and downstream of the site.

*Note: A cross section involves the following measurements:*

* *the width between the top of each bank,*
* *the width across the bed of the waterway, and*
* *the height of each bank above the bed of the waterway.*

1. **Site description**

See Attached 'Lake Okareka Consent Application and AEE

1. Describe the physical attributes of the site(s) (e.g. topography, ecology, bed materials, wildlife habitats, recorded archaeological sites, cultural and scientific features). It would be useful to include photographs.

*[Continue on a separate sheet if necessary]*

1. Please provide any hydrological data if available. These *include: stream flow and gradient, catchment characteristics (e.g. steep, forested catchment, or easy pastoral catchment).*

*[Continue on a separate sheet if necessary]*

1. **Assessment of Environmental Effects (AEE)**

See Attached 'Lake Okareka Consent Application and AEE

Describe the actual and potential effects that the proposed activity/operation could have on the environment.

1. Effects of immediate activity/construction *(e.g. disturbance of stream bed, sediment)* on the immediate vicinity.

1. Effects of the completed works or structure on the bed, both upstream and downstream, in both typical and extreme conditions *(e.g. flooding upstream and/or downstream).* Please provide an assessment and any supporting calculations.

1. Effects on water quality.

1. Effects on ecological values including fish passage and proposed measures to mitigate these *(e.g. perched culverts, burying culvert invert below stream bed).*

1. Any other effects.

The effects assessed above shall include mitigations measures proposed, alternative options assessed and any monitoring proposed.

1. **Cultural effects**

See Attached 'Lake Okareka Consent Application and AEE

Please provide an assessment of the cultural effects associated with the activities you propose.

The Regional Council’s Regional Policy Statement is clear that only tangata whenua can identify their relationship with an area. It is good practice to consult with tangata whenua in relation to your application so that you can provide the correct information to answer this question.

The Regional Council can provide a list of tangata whenua who have registered an interest in the site of your activity so that you can undertake the assessment. We can also provide other information e.g. access to iwi and hapū management plans, details about identified archaeological sites and details of any Statutory Acknowledgements relevant to the site. Please contact the Consents Team on 0800 884 880 to get more information.

1. **Persons likely to be affected**

See Attached 'Lake Okareka Consent Application and AEE

*Affected persons may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, relevant iwi and hapū and community groups.*

*If you do not think there will be affected persons, you do not need to fill out this section; however, the Bay of Plenty Regional Council will make the final assessment of whether a person is affected by your proposal, and it is recommended as best practice to consult with those persons.*

*In order for your application to be considered for* ***non-notification*** *you* ***must*** *gain written approval from all persons who may be affected by the proposal. The Bay of Plenty Regional Council can help you identify people/organisations that are likely to be affected, and the form ‘Affected Person’s Written Approval’, which can be filled out by the affected party and attached to this application, can be found at* [***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***keywords ‘resource consent forms’.***

Please provide details below of those you have identified as persons who may be affected. If you have discussed your proposal with any of these persons, please record any comments made by them and your response to them, and submit this with your application.

Name

Address

❒ Written approval supplied *(attached).*

Name

Address

❒ Written approval supplied *(attached).*

Name

Address

❒ Written approval supplied *(attached).*

Name

Address

❒ Written approval supplied *(attached).*

*[Continue on a separate sheet if necessary]*

1. **Extending timeframes**

*The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however these timeframes can be extended, if necessary, with the Applicant’s agreement.*

Do you agree to the Bay of Plenty Regional Council extending RMA consent processing timeframes?

x Yes, provided that I can continue to exercise my existing consent until processing of this application is completed *(renewal application only).*

x Yes, provided that the extension is for the specific purpose of discussing and trying to agree on consent conditions.

Yes, provided that the application process is completed before

No.

1. **Deposit fee**

A deposit fee of $2700.00, inclusive of GST, is payable with this application. This may be paid online, by cheque, or by eftpos at one the Regional Council’s reception desks.

* Bay of Plenty Regional Council’s bank account number is **06 0489 0094734 00.** Please use the Applicant’s name as the reference. A GST invoice marked “PAID” will be issued on receipt of payment.
* An application will not be accepted as a complete application until the deposit fee has been paid. **Please note:** while we are happy to hold the forms in the meantime, the processing time will not start until payment is received.
* Additional charges are usually incurred, and will vary depending on the resource we use in the course of processing your application *(e.g. staff time)*. Staff can give an estimate of expected costs. Please see the schedule of fees attached.

**Checklist**

The following information must be included in your application to ensure it is accepted.

If you have dealt with a staff member regarding your consent application, please provide their name here:

Complete all details in this application form.

Include an Assessment of Environmental Effects (AEE) of the activity, as set out in Schedule 4, summarised at the back of this form. *(For minor activities, complete the relevant section in the activity application form. For major activities, a more detailed AEE must be attached to the application.)*

Supply written approval from all affected parties, if any, and/or summary of consultation carried out.

Include a site plan.

Sign and date the application form.

Pay the required deposit.

Include any other information you think relevant *(e.g. Certificate of Title, details from the Companies Register, etc.)*

If your application is a large application, please submit an electric version on CD, and one hard copy.

Assessment of Cultural Effects.

Please be aware any unchecked boxes may result in your application being returned under s.88.

**Information privacy issues**

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application, and to assist in the management of the region’s natural and physical resources.

The information will be held by Bay of Plenty Regional Council, Quay Street, Whakatāne. This information is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public. If there is any information that you would like to remain confidential please contact a consents officer to discuss.

Failure to provide this information will mean that Bay of Plenty Regional Council will be unable to process your application.

**1 I confirm that I have authority to sign on behalf of the party/ies named as the applicants for this consent.**

**2 I have read, and understand, all of the information contained on this application form, including the requirement to pay additional costs that will be itemised.**

**3 I confirm that all the information provided is true and correct and understand that any inaccurate information provided could result in my resource consent later being cancelled.**

Signature **SEE Form 1A** Date

**IMPORTANT**

**NOTE TO THE APPLICANT**

**PLEASE READ THIS BEFORE PROCEEDING WITH THE APPLICATION FORM**

If you are unsure whether you require a resource consent for your proposed activity, or you have any other queries, please contact a consents officer at Bay of Plenty Regional Council on 0800 884 880.

**IMPORTANT INFORMATION**

1 **Processing of the application by Bay of Plenty Regional Council will not begin until the deposit fee of $2700.00 (including GST) is paid, unless prior arrangement has been made. If, at the end of the processing of the application, the actual cost exceeds the deposit, you will be invoiced for the balance.**

2 You may also be required to pay a resource management charge associated with holding a consent. The Water Administration Team will be able to provide you with more details. All charges are in accordance with Section 36 of the Resource Management Act 1991. All accounts are payable by the 20th of the month following date of invoice. Where costs are incurred that exceed $2,000 above the deposit, or at the end of every quarter, you may be requested to pay an additional amount by way of interim payment against the final total costs.

3 The Coastal Marine Area is the area from the outer limit of the territorial sea (12 nautical miles) to the line of mean high-water springs. For activities at river mouths, please contact a consents officer at Bay of Plenty Regional Council for clarification.

4 Section 42 of the Resource Management Act 1991 allows the protection of sensitive information. Therefore, if your application includes trade secrets and/or commercially and culturally sensitive material, please advise Bay of Plenty Regional Council.

5 Schedule 4 of the Resource Management Act 1991 *(summarised at the back of this form)* sets out the information you must provide with your consent application, including an Assessment of Environmental Effects (AEE). An AEE must be prepared in accordance with Schedule 4 of the Resource Management Act 1991. To assist in the preparation of the assessment, a summary of the key requirements of Schedule 4 follows this information sheet. Failure to provide the correct information will result in delays in the processing of your application.

6 Bay of Plenty Regional Council may decide not to proceed with the application until applications for further resource consents are made (Section 91). It is, therefore, important to identify every consent required for the proposal at the outset.

7 Bay of Plenty Regional Council may request the Applicant, by written notice, to provide further information if required (section 92). If this occurs, the application will be put on hold, and the processing timeframes stopped. Processing will not recommence until the information is received.

8 An application does not need to be publicly notified if the environmental effects are minor, and if written approval has been obtained from everyone who is adversely affected by the granting of the consent (Sections 95D and 95B respectively). Bay of Plenty Regional Council has forms available to obtain approvals.

9 Under Section 128(1)(c) of the Resource Management Act 1991, Bay of Plenty Regional Council may undertake a review of any consent at any time if the application contains any inaccuracies that materially influence the decision made.

**How to prepare and Assessment of Effects on the Environment**

**As outlined in Schedule 4, Section 88(2)(b) of the Resource Management Act 1991**

**Summary of the key points of Schedule 4**

You need to include enough information in your Assessment of Environmental Effects (AEE) so that the Regional Council can evaluate your proposal. The amount of information should correspond to the scale and significance of the environmental effects that may be generated by your proposal.

Your AEE needs to include:

* A full description of the proposal, including the site and locality (including a site plan and plans of your proposal).
* A description of the environmental effects, including the significance and nature of the effects (address specific environmental effects that you have identified, as well as referring to issues identified in the District and/or Regional Plan).
* A description of alternatives to avoid, remedy or mitigate any significant environmental effects.
* An assessment of any risks to the environment that may arise from hazardous substances, and/or the discharge of contaminants.
* A record of any consultation, including names and views of people with whom you talked.
* A discussion of any effects that may need to be controlled or monitored, how the control or monitoring will be carried out, and by whom.

You should also refer to Schedule 4 of the Resource Management Act 1991. This sets out matters that should be included and considered when preparing an AEE.

For more complex applications, you may need to get specialist advice. There are a number of professionals who assist in preparing AEEs, such as engineers and resource management consultants. Council staff may be able to tell you if you need specialist advice.

**It is NOT adequate to state in your AEE that there are NO environmental effects.**

It is important that you provide the Council with a well-prepared AEE; otherwise, the Council may:

* not accept your application,
* turn down your application,
* impose a lot of conditions on your resource consent,
* ask you for more information, delaying the time taken to process your application, or
* commission someone else to review your application at a cost to you.

**For more detailed information**

see the Ministry for the Environment’s Good Practice Guide on How to Prepare an AEE, and have a look at its brochure on making resource consent applications, at [**www.mfe.govt.nz/publications/rma**](http://www.mfe.govt.nz/publications/rma)

**Schedule A – Hourly fixed charges for staff and consultants (GST inclusive)**

|  |  |
| --- | --- |
| **Group** | **Hourly Charge** |
| Administration | $110 |
| Officers/Planners  Senior Officers/ Planners  Engineers/Scientist/Regulatory Project Officers (RPO)/Environmental Data Officer/Laboratory Technicians  Compliance Monitoring Officer (externally contracted)  Maritime  Officer | $155 |
| Team Leaders/Senior RPO/Works Engineer/Senior Maritime  Senior Engineer/Senior Scientist/Harbourmaster  Pou Ngaio (Technical/Cultural RMA Specialist) | $180 |
| Managers/Regional Harbourmaster | $260 |
| Consultants/Contractors | As charged by consultant/contractor |
| Regional Council staff mileage | Current applicable IRD rate |

The full Section 36 Charges Policy is available at

[**http://www.boprc.govt.nz/knowledge-centre/policies/section-36-charges-policy/**](http://www.boprc.govt.nz/knowledge-centre/policies/section-36-charges-policy/)



