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

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

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?

DW R8, 43, BW R36, BW R16

What is the activity status of your consent application?

Controlled

Restricted Discretionary

x 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**

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: Bay of Plenty Regional Council

Contact person: Andy Bruere

Postal address: P O Box 364 Whakatane 3158

Telephone *(please tick preferred contact number)*

Residential (     )       x Business 0800 368 288 x 7497

x Cell (021) 687 300

Facsimile

Email andy.bruere@bopre.govt.nz

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:

x Applicant  Consultant

Preferred method of contact:

x Email  Post

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

**Owner:** Fenella Playne - Longfords Farm

Postal address: 51 Acacia Road Lake Okareka, RD 5, Rotorua

Residential fplayne@xyta.co.nz  Business (     )

**Occupier:** Bay of Plenty Regional Council

Postal address: As Per Section 1

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**

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

x 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

x 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)*

x 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

x 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)? x 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.

DW R8, 43, BW R36, BW R16

1. 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 x 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 51 Acacia Road, Lake Okareka, RD 5, Rotorua

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

Pt Lot 1 DPS 19175

Map reference NZTM, *(if known)*

1 Lake Outlet Pipes NZTM 1895725 5769066

2 Pipe Intake NZTM 1895994 5769027

3 Control Valve NZTM 1896276 5769036

4 Dissipater NZTM 1896398 5769012

Name of water body Lake Okareka and Waitangi Stream

**PART 2**

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

x Erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed of a stream or river.

Excavate, drill, tunnel, or otherwise disturb the bed of a stream or river.

x Deposit any substance in, on, or under the bed of a stream or river.

Reclaim or drain the bed of a stream or river.

Wetland disturbance.

Other *(please specify)*

* 1. Please describe the proposed activity.

Purpose of activity Increase the maximum discharge potential from lake

Okareka from 239L/s to 500L/s

Materials to be used See Attached 'Lake Okareka Consent Application and AEE

Duration and timing of works 2 Years

Volume of extraction See Attached 'Lake Okareka Consent Application and AEE

Machinery to be used See Attached 'Lake Okareka Consent Application and AEE

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. To support your application, please include a catchment analysis and sizing assessment, undertaken by an engineer, showing how your design meets the standards outlined in our Hydrological and Hydraulic Guidelines, or why they are not relevant. For bridges and culverts, refer to tables 4.1 and 4.2 from the Hydrological and Hydraulic Guidelines, shown below, for catchment analysis and sizing. For all other works, refer to the Hydrological and Hydraulic Guidelines, which are available on our website [***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***keyword ‘guidelines’.*** If you are unsure whether you need engineering assessment, please contact a Bay of Plenty Regional Council Consents Officer.

**Hydrological and Hydraulic Guidelines Table 4.1 N/A**

|  |  |
| --- | --- |
| **Road type** | **Definition** |
| Major road | Either:   1. A state highway, or 2. Within 1 km of any urban area or settlement, or 3. Carrying more than 750 vehicles per day. |
| Rural road | Any other road except as described below. |
| Remote road | Public or private roads accessing property that does not have dwellings and which cross a waterway with a contribution catchment of less than 50 km2. |
| Access tracks | Rural roads that cross a waterway with a contributing catchment of less than 100 ha. |

**Hydrological and Hydraulic Guidelines Table 4.2 N/A**

|  |  |  |
| --- | --- | --- |
| **Road type** | **Bridge standard** | **Culvert standard** |
| Major road | Passage of the 100-year return period flood with minimum clearance of  0.6 m normally, but with up to 1.2 m where large trees can be transported in the river. | * Passage of the 100-year return period flood by heading up to a maximum 0.5 m below the road surface, and * Passage of the 10-year flood without heading up. |
| Rural road | Passage of the 50-year return period flood with a minimum clearance of  0.6 m. | * Passage of the 50-year return period flood by overtopping the embankment to a maximum depth of 0.2 m, and * Passage of the 2-year return period flood with no heading up. |
| Remote road | Passage of the 20-year return period flood with a minimum clearance of  0.3 m. | * Passage of the 20-year return flood with no freeboard, and * Passage of the 2-year return period flood with no heading up. |
| Access track | Passage of the 10-year return period flood with a minimum clearance of  0.3 m. | * Passage of the 10-year return period flood by heading up to a maximum 0.3 m below road level. |

1. **Bridge construction, placement, and use N/A**

Location of bridge abutments:

Outside banks of waterway  Inside banks of waterway  In bed of waterway

Please fill in the dimensions shown in the list below.



1 Length of bridge approach       m 5 Height of natural ground

level above stream bed       m

2 Length of bridge       m 6 Bed width of stream channel       m

3 Length of bridge approach       m 7 Top width of stream channel       m

4 Height of bridge underside 8 Average depth of water in

above natural ground level       m the stream       m

If there is to be a spillway, please indicates its dimensions:

Depth of spillway       m Width of spillway       m

1. **Culvert construction and use**

What is the proposed culvert made of *(e.g. concrete, pvc)*?

Length of culvert       m

Number of sections of culvert pipe

Gradient at which culvert will be laid in the stream bed

Surface material of spillway *(e.g. rock, grass, geotextile)*

Proposed fill material

Please fill in the dimensions shown on the diagram in the list below. If the culvert design is different from that shown below, please include a diagram showing all dimensions.



1 Length of culvert approach       m 5 Top width of original stream

channel       m

2 Length of culvert approach       m 6 Depth of fill over culvert       m

3 Circular culvert diameter       m 7 Depth of culvert base below

original stream bed level       m

**OR** Box culvert Width       m 8 Spillway width       m

Height       m

1. Bed width of original stream

channel       m

1. **Other in-stream works** *(e.g. bank stabilisation, erosion protection features, retaining works, fords, pipes).*

Please provide detailed structural plans, to scale, on good-quality paper of minimum A4 size, including:

* Dimensions.
* Length and width of the bed and banks that will be affected.

See Attached 'Lake Okareka Consent Application and AEE

1. **Description of site**

Describe the physical attributes of the site (e.g. topography, ecology, bed materials, wildlife habitats, recorded archaeological sites and other significant features). Council’s Regional Water and Land Plan includes schedules of some of the region’s water bodies and their listed qualities. It would be useful to include photographs.

See Attached 'Lake Okareka Consent Application and AEE

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

See Attached 'Lake Okareka Consent Application and AEE

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

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

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

1. Effects on water quality (sedimentation effects, etc).

1. Effects on fish passage *(e.g. perched culverts),* and proposed measures to avoid them *(e.g. burying culvert invert below streambed, fish ladders).*

1. Any other effects *(refer to the Concrete Fact Sheet on our website* [**www.boprc.govt.nz**](http://www.boprc.govt.nz) ***keywords ‘fact sheets’****).*

1. During construction

*Refer to the Bay of Plenty Regional Council Erosion and Sediment Control Guidelines for further information.*

What methods or actions will be used to reduce or prevent any identified environmental effects and stabilise the exposed earth?

Can the work area be isolated?  Yes  No

Can a temporary diversion be put in place?  Yes  No

1. Post construction

What methods or actions will be used to reduce or prevent any identified environmental effects after construction *(e.g. grassing and planting of fill batters, metalling of approaches, stabilisation of abutments by gabion baskets)*?

1. **Alternative options**

Describe any alternative options considered, and reasons why these are not proposed.

The activity is an upgrade of the existing Lake Okareka discharge facility. The lake outlet and head of the Waitangi Stream are both fixed locations.

1. **Monitoring**

What, if any, monitoring do you propose to carry out?

See Attached 'Lake Okareka Consent Application and AEE

1. **Cultural effects**

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.

See Attached 'Lake Okareka Consent Application and AEE

1. **Persons likely to be affected**

*Affected persons or parties 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 parties, 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 or party 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’.***

See Attached 'Lake Okareka Consent Application and AEE

Please provide details below of those you have identified as parties who may be affected. If you have discussed your proposal with any of these parties, 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 resources 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:

Consultant David Greaves Enspiry (Consultants Planners to BOPRC)

See Attached 'Lake Okareka Consent Application and AEE

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 and Section 6.

Supply written approval from all affected persons, 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 impacts (refer Section 9 of this form).

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 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/)



