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

**4C Discharge Contaminants to Air – Solid Fuel Burners in the Rotorua Airshed**

The purpose of this form is to provide applicants with guidance on the minimum information that is required under Schedule 4 of the Resource Management Act 1991 (RMA). Depending on the nature and scale of your proposed activity, more detailed information may be required.

This form is for activities set out in rules AQ R13 and AQ R14 of Plan Change 13 (Air Quality) to the Regional Natural Resources Plan (PC13) for solid fuel burners in the Rotorua Airshed. This plan change can be found on our website at <https://www.boprc.govt.nz/plans-policies-and-resources/plans/regional-air-plan/proposed-plan-change-13-air-quality/>.

If you need help filling out this form or would like to organise a pre-application meeting, contact the Consents Team on 0800 884 880. They will be able to provide some assistance; up to 1 hour is provided as pre-application advice.

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

|  |
| --- |
| **Important information for applicants applying to install a new woodburner using an existing solid fuel burner as an offset – AQ R13**To assess your application, the Consent Officer will need to verify that the solid fuel burner being used as an offset fits the criteria. This will include a site visit to verify that the existing solid fuel burner is installed in the dwelling house or building, **before** it is removed or replaced.Where a solid fuel burner is being removed as part of a Regional Council Hot Swap Loan, the burner will not be able to be used to offset a new burner within the Rotorua Airshed. |

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

What is the activity status of your consent application?

[ ]  Discretionary (AQ R13) – for use of new woodburners that provide offsets

[ ]  Non-complying (AQ R14) – for use of all other solid fuel burners

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. 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.

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.

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:

Contact person:

Postal address:

Telephone *(please tick preferred contact number)*

[ ]  Residential (     )       [ ]  Business (     )

[ ]  Cell (     )

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 (     )

Email

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

[ ]  Applicant [ ]  Consultant

Preferred method of contact:

[ ]  Email [ ]  Post

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

**Owner:**

Postal address:

[ ]  Residential (     )       [ ]  Business (     )

[ ]  Cell (     )

**Occupier:**

Postal address:

[ ]  Residential (     )       [ ]  Business (     )

[ ]  Cell (     )

***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. **Name and address of owner/occupier of the offset burner** *(where an offset is taking place)*

**Owner:**

Postal address:

[ ]  Residential (     )       [ ]  Business (     )

[ ]  Cell (     )

**Occupier:**

Postal address:

[ ]  Residential (     )       [ ]  Business (     )

[ ]  Cell (     )

***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) and other processes**
2. Please specify the duration sought for your consent(s).

      years       months

(Note that the Bay of Plenty Regional Council will typically grant a short-term consent (1–2 years) to provide for the removal of the old burner and installation of the new burner. Once installed the burners will become a permitted activity under Rule AQ R12(c)(iii)).

1. Solid fuel burners in the Rotorua Airshed must also comply with the Rotorua District Council Air Quality Control Bylaw 2017 and the Building Act 2004. They may require a dispensation under the Rotorua District Council Air Quality Control Bylaw and a building consent under the Building Act.

Have you applied for a dispensation and/or building consent? [ ]  Yes [ ]  No

If yes, please attach documentation relevant to your applications.

1. **Location description of activity**

Site address

Legal description

Map reference NZTM, *(if known)*

1. **Location description of offset (if applicable)**

Site address

Legal description

Map reference NZTM, *(if known)*

**PART 2**

1. **Description of activity**

1. Details of proposed activity:

Provide the following information for the solid fuel burner to be installed and/or used as the subject of this consent. For new solid fuel burners this information can be found on the Ministry for the Environment’s authorised woodburner list on: <https://www.mfe.govt.nz/air/home-heating-and-authorised-wood-burners/burners>.

**Please note:** Under the Rotorua District Council Air Quality Control Bylaw 2017, only new woodburners with an emission rate of 0.60 g/kg or less can be considered.

Manufacturer

Appliance (brand e.g. Kent)

Specify if the appliance is a wet-back [ ]  Yes [ ]  No

Date of installation (if applicable)

Appliance type (as defined in PC13):

[ ]  Woodburner

[ ]  Coal burner or multifuel burner

[ ]  Indoor open fire

[ ]  Other solid fuel burner (e.g. coal range, chip heater) please specify

Fuel type (wood, coal)

Emission rate (g/kg)

Thermal efficiency (%)

Rotorua Lakes Council building consent number (if applicable)

Environment Canterbury or Nelson City Council authorisation number

For authorisation number please see: <https://www.mfe.govt.nz/air/home-heating-and-authorised-wood-burners/burners?combine=&field_manufacturers_tid=All&=Search>.

1. **Receiving environment**
2. How sensitive is the receiving environment to these discharges?

**Please Note:** *The receiving environment is the Rotorua Airshed, currently in breach of the PM10 ambient air quality standard for PM10 in the National Environmental Standards for Air Quality*

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

1. **Mitigation**

To assess your application, the Consent Officer will need to verify that the solid fuel burner being used as an offset fits the criteria. This will include a site visit to verify that the existing solid fuel burner is installed in the dwelling house or building, **before** it is removed or replaced.

Please note that where a solid fuel burner is being removed as part of a Regional Council Hot Swap Loan, the burner will not be able to be used to offset a new burner within the Rotorua Airshed.

A Regional Council officer will:

1. How sensitive is the receiving environment to these discharges?

If an existing solid fuel burner is being **removed** or **replaced** to provide an offset for a new woodburner please provide the following information for the **solid fuel burner** that will be **removed** or **replaced:**

Manufacturer

Appliance (brand e.g. Kent)

Specify if the appliance is a wet-back [ ]  Yes [ ]  No

Date of installation (if applicable)

Appliance type (as defined in PC13):

[ ]  Woodburner

[ ]  Coal burner or multifuel burner

[ ]  Indoor open fire

[ ]  Other solid fuel burner (e.g. coal range, chip heater) please specify

Fuel type (wood, coal)

Emission rate (g/kg)

Thermal efficiency (%)

Rotorua Lakes Council building consent number (please attach)

Environment Canterbury or Nelson City Council authorisation number

For authorisation number please see: <https://www.mfe.govt.nz/air/home-heating-and-authorised-wood-burners/burners?combine=&field_manufacturers_tid=All&=Search>.

1. **Statutory assessment**

This policy assessment is required as per s88 and schedule 4 of the RMA for the application to be considered completed. This policy assessment is required as per s88 and Schedule 4 of the RMA for the application to be considered completed.

Please note, on the nature and scale of your activity you may be required to undertake a more extensive assessment.

**An assessment of the application against the relevant objectives and policies of the** *Proposed Bay of Plenty Regional Air Plan (Plan Change 13).*

| **Reference** | **Comment** |
| --- | --- |
| **AQ O3 Local air quality**Sustainable management of discharges of contaminants to air according to their adverse effects on human health, cultural values, amenity values and the receiving environment. |  |
| **AQ P3 - Management of discharges**Activities that discharge *contaminants* to air must be managed, including by use of the *best practicable option*, to: 1. safeguard the life supporting capacity of the air, protect human health, and avoid, remedy or mitigate adverse *effects* on cultural values, amenity values, and the *environment,*
2. avoid the discharge of *contaminants* at a rate or volume that may cause an exceedance or breach of the **ambient air** quality standards of the National Environmental Standards for Air Quality (or its replacement or amendment),
3. avoid reduction in visibility where it may cause adverse *effects* on vehicle, aircraft, or *ship* safety,
4. avoid, remedy or mitigate the discharge of *contaminants* that may cause adverse *effects* on regionally significant **infrastructure**/industry.
 |  |
| **AQ P4 Matters to consider** Have particular regard to the following matters when considering the acceptability of any discharge of *contaminants* to air: 1. The proximity of **sensitive areas** to the discharge including the *effect* of new activities discharging *contaminants* into air near established **sensitive areas.**
2. Areas where the discharge may cause an exceedance or breach of the **ambient air** quality standards of the National Environmental Standards for Air Quality or exceed the Health-based Guideline Values in Table 1 of the Ambient Air Quality Guidelines (or their replacements or amendments).
3. Adverse *effects* on air quality values identified in the relevant iwi and hapū resource management plans during assessments of resource consent applications.
4. The *effect* of the prevailing weather conditions, including rainfall, wind speed and wind direction.
5. The *effect* of the discharge on human health, cultural values, amenity values, the *environment*, and regionally significant **infrastructure**.
6. Cumulative *effects*.
7. Whether a change to an activity expressly allowed by an existing resource consent will cause a net increase of **particulates** into an **airshed** in breach of the ambient air quality standard for **particulates** of the National Environmental Standards for Air Quality.
8. The operational requirements and locational constraints relevant to the discharge and/or activity.
9. Any other recognised air quality guidelines or standards (not listed) that are appropriate to the discharge.
10. The FIDOL factors (frequency, intensity, duration, offensiveness, location) when determining adverse *effects* in relation to odour and dust discharges.
11. The investment of existing **infrastructure** that mitigates adverse *effects* of discharges of *contaminants* to air.
 |  |
| **AQ P6 Solid fuel burners** Avoid significant adverse *effects* on the *environment* from the operation of **solid fuel burners** installed in **dwelling houses** or buildings by avoiding: 1. excessive discharge of **particulates** (e.g. caused by burning wet wood or restricting oxygen flow to the fire),
2. any discharge that is noxious or dangerous, offensive or objectionable (e.g. burning painted or **treated timber** or *waste*).
 |  |
| **AQ P7 - Solid fuel burners in Rotorua Airshed**Avoid discharges of **particulates** to air from certain **solid fuel burners** in the **Rotorua Airshed**, in particular discharges from: 1. new **solid fuel burners**, except **pellet burners**, replacement low emissions **woodburners/ultra-low emission burners,** and new **woodburners/ultra-low emission burners** where an **offset** is provided,
2. **indoor open fires**, **coal burners**, **multifuel burners**, and **woodburners** installed before September 2005,
3. **solid fuel burners** that have been **refurbished** since their installation,
4. **solid fuel burners** used or designed for use other than as a **space heater,**

except where exceptional circumstances apply. |  |
| **AQ P10 Offsets in Rotorua Airshed** Any **offsets** required in the **Rotorua Airshed** by Regulation 17 of the National Environmental Standards for Air Quality must:1. be expressed in kilograms per year and calculated using annual mass emission rates based on the maximum consented discharge rate,
2. be based on quantifiable emissions reduced from another source or sources that can be shown to have occurred, either by measurement, monitoring or other robust means,
3. permanently remove the emissions used as **offsets** from the **Rotorua Airshed,**
4. be located within the **Rotorua Airshed** or where emissions can be shown to contribute to the **Rotorua Airshed,**
5. be carried out as close as practicable to where the *effects* of the emissions being **offset** may occur,
6. be above and beyond any emissions decrease that would otherwise occur or would otherwise be required by the Regional Council,
7. assume that all **TSP** is **PM10** unless demonstrated otherwise,
8. treat all **PM10** as equal, having the same health *effects* irrespective of the source of **PM10,**
9. be effective before any emission from the proposed activity occurs,
10. use the emission factors set out in Table AQ1 for each **solid fuel burner** type, where domestic sources are selected to provide reductions of emissions unless alternative emission factors for domestic sources have been determined based on robust evidence consisting of, but not limited to, actual measurements based on a suitable methodology.
 |  |

1. **Additional information for non-complying activities**

If the activity is a non-complying activity, you will need to provide additional information.

*The Resource Management Act 1991 (RMA) states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:*

1. *the adverse effects of the activity will be minor; or*
2. *the application is for an activity that will not be contrary to the objectives and policies of the relevant plan (in this case PC13).*

The most relevant objectives and policies of PC13 are AQ O2, AQ P3, and AQ P7.

Please provide additional information to support your application either setting out why your activity will have minor adverse effects or how your activity will not be contrary to the objectives and policies of PC13.

1. **Persons likely to be directly affected**

*Affected persons may include neighbouring landowners and occupiers and/or 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.*

*Where you are proposing to offset a new burner with an existing burner in another home, you will need to provide affected party approval from the owner of the solid fuel burner.*

*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’, can be found at* [***www.boprc.govt.nz***](http://www.boprc.govt.nz)*keywords* ***‘resource consent forms’.***

Please provide details of any persons identified as potentially being affected. If you have discussed your proposal with any of these persons, please provide any correspondence.

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?

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

[ ]  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 $2,700, 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.

[ ]  Complete all details in this application form.

[ ]  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.

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

**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 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.

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person’s Written Approval**

**To: Bay of Plenty Regional Council**

Full name of person giving written approval:

I am the owner/occupier *(delete one)* of the property at *(address)*

[ ]  I have authority to sign on behalf of all the other owners/occupiers *(delete one)* of the above property.

***Note:*** *If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant’s name

Application number *(if known)*

Description of proposal

Location

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

 Date      /     /

*Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).*

*A signature is not required if you give your written approval by electronic means.*

Address for service *(of person giving approval)*

Telephone       Email

Contact person *(name, and designation if applicable)*

|  |
| --- |
| ***\*Notes: 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.*** ***2 Conditional written approvals cannot be accepted.*** ***3 If this form is not singed, the application may need to be notified with the opportunity for submissions*** |