**5D Divert water**

We recommend you discuss your application with a Consents Planner before you apply. The first 30 minutes are free and will save you time and money in the long run. After the first 30 minutes, we will charge you for the service. We’ll let you know before we start charging.

**Call the Consents Duty Planner on 0800 884 880 with consents questions. For more information email** **consents.queries@boprc.govt.nz** **or visit** [**www.boprc.govt.nz**](http://www.boprc.govt.nz)

**See Notes to Applicant (last pages of form) before filling in this application form.**

Water diversion is subject to rules in the **Regional Natural Resources Plan**. Activities in the Tarawera River Catchment may also be subject to the **Tarawera River Catchment Plan**. These plans are on our website: <http://www.boprc.govt.nz/knowledge-centre/plans/>.

**Rule/s** and **plan/s** that apply to the activity:

**Activity status** of your consent application:

[ ]  Controlled

[ ]  Restricted discretionary

[ ]  Discretionary

**National Environmental Standards for Freshwater 2020:**

Is the proposed activity within 100m of a natural wetland?

[ ]  Yes

[ ]  No

I apply for resource consent under section 88 of the Resource Management Act 1991 (RMA).

**PART 1**

1. **Applicant/s name** *(name/s to be on the consent)*

Surname:

First names:

**OR**

Trust & trustee names (*if application on behalf of a trust)*

Trust name:

Trustees’ names:

Trustees’ contact details:

**OR**

Company name:

Contact person:

NZ Companies Register number:

1. **Consultant details** *(or other person authorised to apply on behalf of applicant)*

Company name:

Contact person:

Postal address:

Telephone *(tick preferred contact number)*

[ ]  Business       [ ]  Cell

Email

Send all **correspondence** relating to this application(s), including **invoices**, to:

[ ] Applicant [ ]  Consultant

Send **correspondence** and **invoices** once consent is granted, to:

[ ]  Applicant [ ]  Consultant

Purchase Order Number for invoices (if required):

1. **District and consent term**
2. **District** the activity is located in:

[ ]  Whakatāne District [ ]  Ōpōtiki District

[ ]  Rotorua District [ ]  Kawerau District

[ ]  Western Bay of Plenty District [ ]  Tauranga District

[ ]  Taupō District

1. Application is to replace an **existing or expired consent**(s): [ ]  Yes [ ]  No

If yes, consent number(s):

1. Consent **duration** sought:

      years       months

Start date

Completion date *(if applicable)*

1. Resource consent(s) also required 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. **Activity location/s**

Site address/es:

Legal description/s *(from Certificate of Title, valuation notice or rate demand)*:

Map reference/s NZTM:

**PART 2**

**If you are damming AND diverting water, fill out Forms 5C AND 5D**

1. **Details of diversion**

The diversion is: [ ]  Existing [ ]  Proposed

If the diversion is in the coastal marine area, a coastal consent is required. You can use this form to apply.

1. **Activity description**
2. Purpose of diversion *(e.g. stormwater control, river works, stream realignment)*:

1. Name of watercourse to be diverted *(if the stream is unnamed, give the name of the watercourse to which it is a tributary)*:

1. Rate at which water will be diverted:       L per second
2. Diversion will be: [ ]  Intermittent [ ]  Continuous

If intermittent, maximum operating period:

      hours per day       days per week       weeks per year

1. Diversion also involves *(tick all that apply)*:

[ ]  Taking water, if yes fill out Form 5A.

[ ]  Damming water, if yes fill out Form 5D.

[ ]  Discharging, if yes fill out Form 4A.

[ ]  Structures (provide plans/details on a separate sheet), if yes fill out Form 1C or Form 7A as appropriate.

1. **Site description**
2. Describe the bed of the watercourse in the vicinity of the diversion site *(e.g. gravelly, muddy, sandy etc)*:

1. **Site plan**

Provide detailed, scaled and contoured site plans showing the site and surrounding area, including:

Plan of the **existing site**:

* Surface features *(e.g. streams, wetlands)*.
* The name(s) of the current owner(s) and occupiers of the site and adjoining properties.

Proposed **final plan** *(post-development)*

*You can use our mapping system (*[***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***keywords ‘regional mapping’****). The maps include property boundary and contour layers. You can search by property, view and print topographic maps and aerial photographs.*

1. **Assessment of environmental effects (AEE)**

Your AEE must include as a minimum:

1. Adverse effects of the proposed diversion;
2. Effects on water availability to downstream users;
3. Effects on flooding, access, neighbouring properties;
4. Effects on ecology, natural habitats;
5. Effects on water quality (erosion and scour);
6. Cultural effects;
7. Consideration of alternatives;
8. Methods to avoid, remedy or mitigate these effects.
9. **Cultural effects**

*The 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 about your application so that you can provide an accurate assessment of cultural effects.*

*We can provide a list of iwi and hapū with an interest in the site. Iwi and hapū management plans are on our website* [*www.boprc.govt.nz*](http://www.boprc.govt.nz) *(key words ‘iwi management plans’). We can provide details about identified archaeological sites and Statutory Acknowledgements.*

*Contact the Consents Duty Planner on 0800 884 880 for more information.*

Provide an **assessment of cultural effects** associated with the proposal:

*[Continue as necessary]*

1. **Assessment against relevant objectives & policies of the relevant statutory documents**

*Provide an assessment of the proposal against the relevant objectives and policies of the relevant regional plan/s, on our website:* <http://www.boprc.govt.nz/knowledge-centre/plans/> and the National Policy Statement for Freshwater Management 2020 <https://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/national-policy-statement-freshwater-management>.

*[Continue as necessary]*

1. **Affected persons**

*For your application to be considered for* ***non-notification*** *you must gain written approval from all persons who may be affected by the proposal. We can help you identify people/organisations likely to be affected. Affected persons may include neighbouring land owners and occupiers, organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, iwi, hapū and/or community groups.*

*The form ‘Affected Person’s Written Approval’ can be filled out by the affected party and attached to this application. It is on our website:* [***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***keywords ‘resource consent forms’.***

Provide details of persons who may be affected by your proposal. If you have discussed your proposal with any of these persons, record their comments and your response, and submit with your application:

Name

Address

 [ ]  Written approval attached

Name

Address

 [ ]  Written approval attached

 *[Continue as necessary]*

1. **Extending timeframes**

*The RMA specifies timeframes for processing resource consent applications. Timeframes can be extended with the applicant’s agreement.*

May we extend the consent processing timeframe?

[ ]  Yes, if I can use my existing consent until this application is processed *(renewal only).*

[ ]  Yes, if the extension is to discuss consent conditions.

[ ]  Yes, if the application process is completed before

[ ]  No.

1. **Deposit**

A **$2,700** deposit (including GST) is required with this application. This can be paid online, by cash, or eftpos at a Regional Council reception desk. Our bank won’t accept cheques after 1 May 2021.

* Bay of Plenty Regional Council’s bank account number is **06 0489 0094734 00.** Use the applicant’s name as the reference. We’ll give you a GST invoice marked “PAID” when you’ve paid.
* The application will not be accepted until the deposit is paid. We’re happy to hold the forms, but won’t start processing until we receive payment.
* **Additional charges are usually incurred**, depending on the resource we use in processing your application *(e.g. staff time, technical reviews, complexity of application)*. Staff can give an estimate of expected costs. Please see the schedule of fees attached.

**Checklist**

Name of **staff member** you discussed your application with:

Pre-application code RM     -     -PĀ

[ ]  Attach any pre-application correspondence/advice

**The following information must be included in your application:**

[ ]  Complete all details in this application form

[ ]  Assessment of environmental effects (AEE), as set out in Schedule 4 of the RMA

[ ]  Assessment of cultural effects

[ ]  Assessment of the activity against the relevant objectives and policies in the relevant regional plan/s

[ ]  Written approval from all affected parties, and/or summary of consultation carried out

[ ]  Site plan

[ ]  Sign and date the application form

[ ]  Pay the deposit

[ ]  Other relevant information *(e.g. Certificate of Title, details from the Companies Register)*

**Unchecked boxes may result in your application being returned under s88 of the RMA.**

**Send your application to RegulatoryAdmin@boprc.govt.nz**

**Information privacy**

The RMA requires this information to process the application.

Bay of Plenty Regional Council (“BOPRC”) will use the information provided with your application to process your application and to assist in managing the region’s natural and physical resources. Information in this application is regarded as **official information** and available to the public on request in accordance with the Local Government Official Information and Meetings Act 1987. In addition, you agree that the information in your activity application (Forms 1A to 7B) (and any documentation provided in support) will be published and made available on our website. **It is important that you let us know if your application includes trade secrets, commercially sensitive information, and/or any other information that you would like to remain confidential.**

This application will likely contain personal information within the meaning of the Privacy Act 2020. You agree that any personal information provided with this application will be held and used by BOPRC in accordance with our Privacy Statement (available at [www.boprc.govt.nz](http://www.boprc.govt.nz)) and the Privacy Act 2020.”

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

**2 I have read, and understand, all information in this application form, including the requirement to pay additional costs.**

**3 All information provided is true and correct. I understand that inaccurate information could result in my resource consent being cancelled.**

Signature Date

**IMPORTANT**

**NOTES TO THE APPLICANT**

**READ THIS BEFORE FILLING OUT THE APPLICATION FORM**

Call the Consents Duty Planner on 0800 884 880 with consents questions.

1 **We’ll not start processing your application until the $2,700 deposit is paid** unless prior arrangement is made. Processing costs are likely to be more than the deposit; we’ll invoice you for the balance.

2 You may be required to pay a **resource management charge** associated with holding a consent (s36 of the RMA). Accounts are payable by the 20th of the month following date of invoice. Where costs are more than $2,000 above the deposit, you may be requested to make interim payments towards the final total cost.

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, contact the Consents Duty Planner for clarification.

4 Let us know if your application includes **trade secrets** and/or **commercially or culturally sensitive material**. Section 42 of the RMA enables protection of sensitive information.

5 Schedule 4 of the RMAsets out the **information you must provide**. If insufficient information is provided, we may put the application on hold or return it as incomplete.

6 **Identify every consent required** for the proposal. We may put the application on hold until you apply for all resource consents required (s91 of the RMA).

7 If we request **further information** (s92 of the RMA), the application will be put on hold and processing will not restart until all information is received.

8 An application does not need to be publicly notified if the environmental **effects are minor and written approval has been obtained** from everyone adversely affected by the granting of the consent (s95D and s95B of the RMA). Written approval forms are on our website: <https://www.boprc.govt.nz/do-it-online/consent-forms/> under ‘Other forms’.

9 We may **review any consent** at any time if the application contains inaccuracies that materially influence the decision made (s128(1)(c) of the RMA).

10 A separate authority/approval may be required for the activity under the **Flood Protection and Drainage Bylaws 2020**. Further information is available on our website: <https://www.boprc.govt.nz/do-it-online/request-or-enquire/flood-protection-and-drainage-bylaw-authority> or by emailing: riversanddrains@boprc.govt.nz

**How to prepare an assessment of environmental effects**

**Key points of Schedule 4 of the RMA**

The amount of information in your assessment of environmental effects (AEE) should correspond to the scale and significance of the proposal’s environmental effects. Your AEE must include:

* A full description of the proposal, including the site and locality; 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 and refer to issues identified in the relevant regional plan/s.
* A discussion of effects that may need to be controlled or monitored, how the control or monitoring will be carried out, and by whom.
* A description of alternatives to avoid, remedy or mitigate environmental effects.
* An assessment of risks to the environment from hazardous substances and/or discharge of contaminants.
* An assessment of the activity against the relevant objectives and policies in the relevant regional plan/s.
* A record of consultation: names and comments of people you discussed the proposal with.

You may need specialist advice for more complex applications. Call the Consents Duty Planner on 0800 884 880 for more information.

**It is not adequate to state that there are no environmental effects.**

If your AEE is not sufficient, we may:

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

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

**Hourly charges for staff and consultants**

|  |  |
| --- | --- |
| **Examples** | **Hourly rate****Incl GST****(Excl GST)** |
| Administration/Coordinator | $160.00($139.13) |
| Officers/PlannersSenior Officers/PlannersEngineers/Scientist/Regulatory Project Officers (RPO)External contracted Compliance Monitoring Officer (externally contracted)Maritime Officer | $230.00($200.00) |
| Team Leaders/Senior RPO/Works Engineer/Senior Maritime OfficerSenior Engineer/Senior ScientistPrincipal Advisor/Cultural Specialist | $255.00($221.74) |
| Managers/Regional Harbourmaster/Principal Advisor Consents | $375.00($326.09) |
| Consultants/Contractors | As charged by consultant/contractor |
| Regional Council staff mileage | Current applicable IRD rate |

Note: Some positions may not be listed. In such cases the charge will be calculated from actual time multiplied by the most appropriate charge out rate listed above.

The full **Charges Policy** is on our website:

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