**Intensive Winter Grazing**

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)

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

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

**Intensive winter grazing:** means the grazing of livestock on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year.

Please refer to [this](https://environment.govt.nz/assets/publications/freshwater-policy/IWG-Factsheet-INFO1067-Update-August-22-FINAL.pdf) intensive winter grazing factsheet, for information about the regulations.

Is the proposed activity within 100 metres of a wetland?

[ ]  Yes

[ ]  No

If the proposed activity is within 100 metres of a natural wetland, please contact the duty planner. The proposal will require a non-complying activity consent.

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

# Applicant/s name *(name that will be on the consent)*

Surname:

First names:

**OR**

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

Trust name:

Trustees’ names:

**OR**

Company name:

Contact person:

NZ Companies Register number:

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

Company name:

Contact person:

Postal address:

Telephone *(tick preferred contact number)*

[ ]  Residential       [ ]  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):

# District and consent term

1. **District** the activity is located in:

[ ]  Whakatāne District [ ]  Ōpōtiki District

[ ]  Rotorua District [ ]  Kawerau District

[ ]  Western Bay of Plenty District [ ]  Tauranga District

[ ]  Taupō District

1. Consent **duration** sought:

      years       months

Start date

Completion date *(if applicable)*

\* A resource consent granted for a discretionary activity (under Regulation 30) must be for a term that ends before 1 January 2031.

1. Is 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

# Activity location

Site address/es:

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

Map reference/s NZTM:

Is the proposed Intensive Winter Grazing within a focus catchment?[ ] Yes [ ]  No

If you are unsure call the Consents Duty Planner on 0800 884 880. Focus catchments are shown on the BOPRC website.

# Regulation Assessment

|  |  |
| --- | --- |
| **Regulation 26 Assessment** | **Complies**  |
| At all times the area of the farm that is used for intensive winter grazing must be no greater than 50 ha or 10% of the area of the farm, whichever is greater. | [ ]  Yes [ ]  No |
| The slope of any land under an annual forage crop that is used for intensive winter grazing must be 10 degrees or less, determined by measuring the slope over any 20 m distance of the land. | [ ]  Yes [ ]  No |
| Livestock must be kept at least 5m away from the bed of any river, lake, wetland, or drain (regardless of whether there is any water in it at the time). | [ ]  Yes [ ]  No |
| On and from 1 May to 30 September of any year, in relation to any critical source area that is within, or adjacent to, any area of land that is used for intensive winter grazing on a farm: |  |
| (i) the critical source area must not be grazed  | [ ]  Yes [ ]  No |
| (ii) vegetation must be maintained as ground cover over all of the critical source area | [ ]  Yes [ ]  No |
| (iii) vegetation maintained under (ii) (above), must not include any cultivation or harvesting of annual forage crops | [ ]  Yes [ ]  No |

Non-compliance with regulation 26 results in the intensive winter grazing being a restricted discretionary activity under regulation 27.

|  |  |
| --- | --- |
| **Regulation 26A and 26B Assessment** | **Complies** |
| A person using land on a farm for permitted intensive winter grazing must take all reasonably practicable steps to minimise adverse effects on freshwater of any pugging that occurs on that land. | [ ]  Yes [ ]  No |
| A person using land on a farm for permitted intensive winter grazing must ensure that vegetation is established as ground cover over the whole area of that land as soon as practicable after livestock have finished grazing the land. | [ ]  Yes [ ]  No |

\* A person using land under these regulations must provide any information reasonably required by a regional council enforcement officer for the purpose of monitoring compliance with this regulation.

|  |  |
| --- | --- |
| **Regulation 29 Assessment**  | **Complies** |
| Land on the farm must have been used for intensive winter grazing during 1 July 2014 to 30 June 2019. | [ ]  Yes [ ]  No |
| At all times, the area of the farm that is used for intensive winter grazing must be no greater than the maximum area of the farm that was used for intensive winter grazing during 1 July 2014 to 30 June 2019. | [ ]  Yes [ ]  No |

Non-compliance with regulation 29 results in the intensive winter grazing being a discretionary activity under regulation 30. If you are seeking consent under regulation 30, you will need to also provide evidence that the activity will not result in an increase in:

1. contaminant loads in the catchment, compared with the loads as at the close of 2 September 2020; or
2. concentrations of contaminants in freshwater or other receiving environments (including the coastal marine area and geothermal water), compared with the concentrations as at the close of 2 September 2020.

An analysis of contaminants will need to consider nutrients (particularly nitrogen and phosphorus), sediment and effluent. Please contact the duty planner for guidance on information requirements.

# Assessment of environmental effects (AEE)

As part of your assessment, you must have considered the [Intensive Winter Grazing Module](https://www.mpi.govt.nz/dmsdocument/44866-20212022-Intensive-Winter-Grazing-Module) and have completed, and attached to your application, an Intensive Winter Grazing Plan. The Intensive Winter Grazing Plan template is included within the Intensive Winter Grazing Module available from the Ministry of Primary Industries website.

In preparing your application and assessment, you may also want to consider the following guidance:

[Dairy NZ – Wintering](https://www.dairynz.co.nz/feed/crops/wintering/)

[Beef and Lamb – Winter Grazing and Forage Crop Grazing](https://beeflambnz.com/wintergrazing)

Existing Environment

Is the farm within a focus catchment? [ ]  Yes [ ]  No

*Refer to the Bay of Plenty Regional Council website for the location of focus catchments*

What is the minimum distance from the proposed intensive winter grazing to the nearest:

Drain metres

Stream or river metres

Lake       metres

Estuary       metres

Coast metres

Wetland metres

**Potential Adverse Effects**

The use of land for intensive winter grazing has the potential to result in pugging and compaction of the soil and adverse effects on water quality in nearby streams. During rain events bare soil can wash into nearby waterways causing high levels of suspended sediment and *E. coli* from animal effluent in the waterway which has adverse effects on instream organisms, recreational values, and Māori cultural values.

**Risks and Mitigation**

Refer to the appended Intensive Winter Grazing Plan.

**Are there any other responses to the following questions, not already covered in your Intensive Winter Grazing Plan?**

How will you avoid, remedy or mitigate the adverse effects of the activity on ecosystems, freshwater, and water bodies?

How will you avoid, remedy or mitigate the adverse effects of the activity on water that affects the ability of people to come into contact with the water safely?

How will you avoid, remedy or mitigate the adverse effects of the activity on Māori cultural values?

How will you avoid, remedy or mitigate the risk of losses of sediment and other contaminants to water from intensive winter grazing?

What is the timing and appropriateness of the methods proposed to avoid, remedy, or mitigate the loss of contaminants to water?

**Wetlands**

If the proposed intensive winter grazing is within 100 metres of a wetland, then please detail how you will avoid and/or mitigate adverse effects on the wetland:

The activity must not result in a loss of wetland extent or values.

# Assessment against relevant objectives & policies of the relevant plan/s

Provide an assessment of the proposal against the relevant objectives and policies of the operative Regional Natural Resources Plan and the National Policy Statement for Freshwater Management.

**National Policy Statement for Freshwater Management 2020**

The NPS-FM 2020 sets out a framework of objectives and policies to manage activities affecting freshwater in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. My application is consistent with Objective 1 and Policies 1, 2, 3, 9, 10, 12 and 15 of the NPS-FM 2020, primarily due to the mitigation of water quality effects.

Tick if you agree with the above statement [ ]

**Iwi Management Plans**

Iwi Management Plans identify important issues regarding the use of natural and physical resources and must be considered for all consent applications. In the Bay of Plenty region, the Iwi Management Plans do not directly address intensive winter grazing. Instead, most plans identify the importance of the mauri of water, including good water quality, and the desire to improve water quality. Due to the proposed mitigation methods the proposal is consistent with the water quality direction of Iwi Management Plans.

Tick if you agree with the above statement [ ]

Iwi Management Plans are available on the BOPRC website [Hapu/Iwi Management Plans](https://www.boprc.govt.nz/your-council/plans-and-policies/plans/hapuiwi-resource-management-plans)

**Regional Policy Statement**

Relevant objectives and policies from the Regional Policy Statement (RPS) include: the quality and mauri of water in the region is maintained or, where necessary to meet the identified values associated with its required use and protection, enhanced (O 27); minimising the effects of land and soil disturbance (Policy WL 7B). The proposal will maintain the mauri of water and minimise effects, consistent with the RPS.

Tick if you agree with the above statement [ ]

**Regional Natural Resources Plan**

Relevant objectives and policies of the Regional Natural Resources Plan (RNRP) include integrated management of land and water (IM O1), maintaining and improving water quality (IM O3), recognising the benefits of the use of land (IM O7), land management practices are appropriate to the environmental characteristics and limitations of the site, and avoid, remedy or mitigate adverse effects on the life-supporting capacity of soil resources, the receiving environment and heritage values (LM O1), appropriate management of riparian margins (LM O2), vulnerable areas are protected from erosion (LM O3) and the health of the region’s soils is maintained (LM O4). The proposal is consistent with the relevant RNRP objectives.

Tick if you agree with the above statement [ ]

*If you do not agree with the above statements, please append your own assessment of the proposed intensive winter grazing against the relevant policies and objectives.*

# Affected persons

Affected persons or parties may include neighbouring landowners and occupiers, iwi, hapū, and/or organisations such as the Department of Conservation, Eastern Region Fish and Game Council and community groups.

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. The ‘Affected Person’s Written Approval’ form 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’.

Under Schedule 4 of the RMA, the application must include identification of the persons affected by the activity, consultation undertaken, and any response to the views of any person consulted. We will make the final assessment of whether a person/party is affected by your proposal; it is best practice to consult with those persons.

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

Name

Address

[ ]  Written approval attached

Name

Address

[ ]  Written approval attached

Is the proposed intensive winter grazing within proximity of a river with a statutory acknowledgement? [ ]  Yes [ ]  No

*Contact the BOPRC duty planner for information on statutory acknowledgements and affected persons. If the proposed intensive winter grazing is within proximity of a statutory acknowledgement, then please consult with the statutory acknowledgement group and attach records of consultation.*

*[Continue as necessary]*

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 the extension is to discuss and try to agree on consent conditions.

[ ]  Yes, if the application is processed before

[ ]  No.

# 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 send a GST invoice marked “PAID” when you’ve paid.
* An application will not be accepted until the deposit is paid. We’re happy to hold the forms, but processing will not start 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 and completeness of application)*. Staff can give a cost estimate. Please see the schedule of fees attached.

**Checklist**

Pre-application code RM     -     -PĀ

[ ]  Attach any pre-application correspondence/advice

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

[ ]  Complete all details in this application form

[ ]  Completed Intensive Winter Grazing Plan

[ ]  Site plan showing locations for Intensive Winter Grazing

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

[ ]  Record of consultation with potentially affected statutory acknowledgement group

[ ]  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).

**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/)