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

7a Application for Consent for Coastal Structures (including Associated Occupation and Disturbance)

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.

If you would like to arrange this, please phone 0800 884 880 and ask to speak with the Duty Consents Officer.

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.

Coastal structures and/or disturbance of the Coastal Marine Area activities are subject to rules in the Regional Coastal Environment Plan. This Plan can be found on our website at <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 rule(s) of the above plan(s) are applicable for your activity?

Rule AQ4 of the Bay of Plenty Regional Coastal Plan.

What is the activity status of your consent application?

- Controlled
- Restricted Discretionary
- Discretionary

If you need assistance determining which rules and activity statuses 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: *Whakatohea Maori Trust Board*

Contact person: *Dickie Farrar*

Postal address: *PO Box 207, Opotiki 3162*

Telephone (*please tick preferred contact number*)

Residential () Business (07) 315 6150

√ Cell (027) 5901702

Facsimile *N/A*

Email *dickie.farrar@whakatohea.co.nz*

2 **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

Preferred method of contact:

E-mail Post

3 Name and address of owner/occupier (of the site relating to application)

Owner: *The Crown*

Postal address: *c/- Parliament Buildings, Wellington*

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.*

4 Consent(s) being applied for from Bay of Plenty Regional Council

(a) 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, grave 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*)
- Form 2C Install and Test Bore

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*)

(b) In which district is the activity located?

- | | |
|---|--|
| <input type="checkbox"/> Whakatāne District | <input checked="" type="checkbox"/> Ōpōtiki District |
| <input type="checkbox"/> Rotorua District | <input type="checkbox"/> Kawerau District |
| <input type="checkbox"/> Western Bay of Plenty District | <input type="checkbox"/> Tauranga District |
| <input type="checkbox"/> Taupō District | |

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

If Yes, please state the consent number(s)

(d) Please specify the duration sought for your consent(s).

35 years

Start date

To be confirmed following granting of consent and the requirements of any consent conditions regarding pre-commencement monitoring or management requirements.

Completion date (*if applicable*)

Growing and harvesting of shellfish aquaculture will occur for a period of 35 years.

(e) 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

5 Location description of activity

Site address

The site of the marine farm is located approximately 6 km off the coast from Opotiki and the Waioeka River. The total area of the marine farm comprises an area of 950 ha (9.5 km by 1 km) and comprises a farmed area of 800 ha (four blocks of lines comprising 2 km by 1km).

A site location plan is attached to this resource consent application form.

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

N/A – The site of the marine farm is seabed.

Map reference NZTM, (*if known*)

The boundaries of the marine farm are defined as follows:

- A. 1970486.859E 5792956.395N
- B. 1970526.760E 5793961.496N
- C. 1980032.216E 5793584.350N
- D. 1979992.319E 5792579.179N

A site location plan is attached to this resource consent application form.

PART 2

1 Description of activity (*coastal consent – Resource Management Act 1991, s.12*)

(a) Type of consent(s) sought (*tick all that apply*)

- Erect, reconstruct, place, alter, extend, remove or demolish any structure or part of a structure fixed in, on, under, or over the foreshore or seabed.
- Disturb foreshore/seabed including excavating/drilling/tunnelling (*includes directional drilling*).
- Deposit any substance in, on, or under any foreshore or seabed.
- Occupy part of the Coastal Marine Area where the land is owned by the Crown or is vested in the Regional Council.
- Reclaim the seabed.
- Other (*please specify*)

Discharge contaminants to the Coastal Marine Area.

(b) Purpose of Structure (*for example, to provide boat access, to protect shoreline etc.*)

To enable the growth and harvesting of shellfish aquaculture.

(c) Type of structure (*e.g. jetty, sea wall, boat shed, pipeline, outfall*)

The structures comprising the marine farm will include the following:

- *Single backbone subsurface lines from which the mussel ropes will hang;*
- *10 m long 'riser' ropes which will identify the location of the submerged backbone lines;*
- *Up to 20 mussel buoys of 500 litre capacity and 300-500 mm diameter subsurface floats along the submerged backbone lines;*
- *Orange buoys on the end of each backbone line; and*
- *Screw or concrete block anchors on the seabed.*

The spacing between each of the backbone lines will be 50 m.

A layout plan, which provides more information on the design of the marine farm, is attached to this resource consent application.

(d) Purpose of activity

To enable the growth and harvesting of shellfish aquaculture.

(e) Works methodology

The backbone lines and anchors will primarily be constructed via a barge and support vessels. The screw anchoring of the backbone lines to the seabed would be completed with a hydraulically powered motor. This process is reasonably fast and only requires a light weight handling crane and no divers.

Once the anchors are in place the barge will lay out the backbone lines and floats with a cable roller.

(f) Materials to be used

Refers to discussion above regarding types of structures.

(g) Duration of works

The duration of works will be dependent on any staging requirements specified in the resource consent conditions. In addition, the duration of works is somewhat dependent on weather conditions.

(h) Machinery to be used (specifically how many machines and what type)

The farming operations are generally sporadic, although there could be up to six vessels working at the farm at key periods (i.e. harvesting). The vessels that will service the marine farm will be standard mussels harvesting vessels, which will range in size from 20 to 40 metres.

(i) Access to CMA (please include details on frequency of access, at what tide, any features you will be passing over or close to i.e. sea grass beds etc.)

As noted above, the frequency of farming operations at the marine farm will be sporadic and depending on the activities occurring at the time. However, vessels will visit the marine farm at all tides and follow the existing navigation paths used by vessels coming from Opotiki.

- (j) Area occupied by new structure and/or area to be reclaimed

The total area encompassing the marine farm is 950 ha, while the total farmed area is 800 ha.

- (k) Are you undertaking earthworks on land within 40 metres of the Mean High Water Springs?

No.

- (l) What sediment controls will you use?

As noted above, the screw anchoring of the backbone lines to the seabed would be completed with a hydraulically powered motor. This process is reasonably fast and only requires a light weight handling crane and no divers.

Given this occurs at the seabed 30 – 50 m below sea level, sediment controls are not considered practical or necessary.

- (m) Have you read and consulted the Guidelines for Erosion Protection Works in the Tauranga Harbour?

The works are not occurring in Tauranga Harbour.

- (n) Is the structure on:

Crown land

Land owned by the territorial authority e.g. Tauranga City Council or Whakatāne District Council

Private land (*if so is this your property?*)

- (o) Who will undertake and supervise the works?

A contractor to undertake and supervise the works has not yet been appointed.

- (p) Describe any ongoing maintenance work (e.g. type of machinery, materials to be used, length of time and frequency of the works).

Maintenance will be undertaken as required by a contractor that has not yet been appointed. Inspection of the marine farm lines and overall structure will be undertaken in accordance with a management plan for the marine farm, and maintenance undertaken as required thereafter.

- (q) Intended use of structure.

Public use

Commercial use

Private use

Some restrictions to public use (*please describe*)

- (r) On a separate sheet of good quality A4 (*minimum*) paper, please provide both plan and side views, to scale, of the proposed structure, and include:

- Tidal levels, including mean high-water springs and mean-low water springs.
- Seabed levels.

- Dimensions of proposed structure.
- Area to be reclaimed if applicable.
- The existing shoreline.
- Any steps, stairs, access points that are existing or included in the future design.
- Existing features such as trees, structures etc. and details of whether these will be retained or removed.

A site location plan is attached to this resource consent application form.

- (s) Please note that structures in the Coastal Marine Area must be designed by a suitably qualified professional and therefore the application must include professionally drawn plans of the proposed or existing structure and must include details of materials to be used and design criteria such as the embedment depth and end return design.

A layout plan, which provides more information on the design of the marine farm, is attached to this resource consent application.

- (t) What consultation has been carried out to determine whether the site is significant, within an Outstanding Natural Area or a Coastal Habitat Preservation Zone? *(Possible sources of information are relevant iwi and hapū, Department of Conservation, Regional Coastal Environment Plan.)*

It is noted that the Bay of Plenty Regional Policy Statement and Bay of Plenty Regional Coastal Plan involved the assessment and evaluation of areas of significance from a natural character, landscape and biodiversity perspective. Neither of these processes have identified the site as having significant values.

Furthermore, the visual, landscape and natural character evidence for the previous consent application for the site did not identify the site as being of any particular significance.

[Continue on a separate sheet if necessary]

2 Description of site

- (a) Describe the topography, ecology, seabed materials, known wildlife habitats, cultural, historic, recreational, scientific, or scenic features, an assessment of natural character and other physical attributes of the surrounding area and the seabed contours. Include photographs if possible.

Based on the evidence presented at the previous resource consent application for a marine farm at this site, the existing environment around the site is characterised as follows:

- The area around the site is a flat and relatively homogenous muddy seabed, with low-medium organic matter content and mud content declining towards the inshore portion of the site;*
- The site is located in relatively deep water, ranging from 28.4 to 46.4 metres, with a mean current speed of 8.2cm s⁻¹;*
- The ecological survey indicated two distinct animal communities. The offshore community consisted of a relatively diverse population of primarily invertebrate animals living both on, and within, the sediment surface. Deposit feeding sea cucumbers, brittle stars, scavenging hermit crabs and whelks were the most abundant epifauna (found on the surface of the seabed). Sea cucumbers, brittle stars, deposit feeding polychaete worms and small crustaceans were the dominant infauna (found within the upper layer of seabed material);*
- The less muddy inshore area indicated a slightly different biological community, still consisting of mainly deposit feeders and scavengers. The major difference was a low abundance of sea cucumbers, hermit crabs, and encrusting bryozoans. Brittle stars and polychaetes were most abundant;*
- The ecological survey did not identify any species, communities or habitats of particular scientific or ecological importance;*
- The assessment of potential effects on marine mammals identified 17 marine species as being present within the Bay of Plenty, including some listed as threatened or at risk in the New Zealand Threat Classification System – including killer whale and Bryde's whale.*
- An assessment of landscape, visual amenity and natural character does not consider the coastal waters of the Bay of Plenty to be an outstanding or significant landscape. High and Very High Natural Character environments, and Outstanding Natural Features and Landscapes are spread along the coastline.*

[Continue on a separate sheet if necessary]

3 Site plan

On a separate sheet of good quality A4 (*minimum*) paper, please provide a site plan, and include:

- Proposed structure.
- Any of the information supplied in section 2(a) above, such as significant cultural, ecological, or historic sites, or recreational, or scenic sites.

- Permanent landmarks.
- Neighbouring structures.
- Boatsheds, ramps, jetties, etc.
- Adjacent public roads or reserves.
- Total area of works.
- Cut and fill areas.
- Access to and from, and within site.
- Sediment controls.
- Property boundaries.
- Legal description of any private land immediately landward of the site.

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 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.

4 **Assessment of Environmental Effects (AEE)**

4.1 Describe the immediate effects of the activity/construction on the environment.

(a) Effects on water quality in the area.

Based on the evidence presented at the previous resource consent application for a marine farm at this site, it is considered that:

- *The proposal is to on-grow animals that occur naturally in the Bay of Plenty Region;*
- *There will be no contaminants other than mussel faeces and pseudo-faeces, and the activity is generally benign; and*
- *The operation of the marine farm will result in patches of water depleted in phytoplankton both within, and outside, the marine farm - which is considerably less than the observed natural variability of phytoplankton at the site (100% natural variability observed across site).*

What is proposed to avoid, remedy or mitigate these effects?

The density of lines within the marine farm blocks will be controlled and monitoring of potential water quality effects will be undertaken.

(b) Visual effects.

Based on the evidence presented at the previous resource consent application for a marine farm at this site, it is considered that:

- *Daytime visual effects from shore will be negligible. Any surface buoys or service vessels will not be visible with the naked eye;*
- *Nighttime visual effects from shore will be negligible. Cardinal lights may appear as 'pinpricks' of light. The range of the other lights is such that they will not be seen;*
- *Natural character effects from shore and inshore coastal areas will be insignificant; and*
- *Visual and natural character effects from the water close to the marine farm will be more noticeable, although the perceived effects of the structures are likely to be ameliorated where fishing is the purpose for accessing the area.*

The committee that considered, and granted, the previous resource consent application for this site:

- *Acknowledged that the marine farm would impact on natural character. However, they noted that the location of the marine farm was a considerable distance from the coastline;*
- *Accepted that the potential visual impact of the marine farm from land based viewpoints would be negligible; and*
- *Accepted that water based views of the marine farm at close distances would present a modification of the natural environment. However, they were of the view that those seeking out the marine farm as a fishing destination would be unlikely to perceive the modification as a significant adverse effect.*

What is proposed to avoid, remedy or mitigate these effects?

Potential adverse effects will principally be avoided, remedied or mitigated by the location of the marine farm some distance from the shoreline.

(c) Effect on marine ecology (i.e. benthic habitats, vegetation, birdlife etc.)

Based on the evidence presented at the previous resource consent application for a marine farm at this site, it is considered that:

- *The marine farm will have the potential to create only minor adverse benthic effects;*
- *The site assessment survey found no features of special ecological, scientific or conservation value;*
- *The marine farm has been deliberately sited over relatively flat, homogenous, soft sediment habitat which is less susceptible to adverse benthic impacts than near shore sites over coarser textured seabed habitat;*
- *Any effects of organic enrichment are reversible.*
- *As such, monitoring and management responses can be a particularly effective safeguard without danger of permanent environmental damage;*

- *The abundance and distribution of migratory pelagic fishes and schools is unlikely to be significantly impacted;*
- *The farm will introduce new reef-like mid-water habitat that will be colonised by many different organisms, including fishes;*
- *There are approximately 17 species of marine mammals known to frequent the Bay of Plenty;*
- *There is no evidence of seals having any negative interaction with mussel farms through entanglement or entrapment in New Zealand;*
- *Sightings of large migratory whales are most frequently made between the 200 to 500 m isobaths (i.e. the continental shelf edge), compared with the water depths at the site;*
- *Killer whales and pilot whales are relatively frequent visitors to the Bay of Plenty, but have no history of entanglement and the marine farm should pose no threat;*
- *The marine farm is not considered to offer a threat to Hector's, Common and Bottlenose dolphins;*
- *In summary, the evidence was that the marine farm site is located in a suitable position (depth range) to avoid adverse effects for most marine mammals and the risks to those who do frequent this depth range are considered to be minimal.*

What is proposed to avoid, remedy or mitigate these effects?

Further monitoring of potential effects on marine mammals and the preparation of a contingency plan for any marine mammals that do become entangled.

- (d) *Effect on adjacent ecology (i.e. wetlands, coastal margins, streams, rivers and land etc.)*

See summary above under effects on marine ecology.

What is proposed to avoid, remedy or mitigate these effects?

See summary above under effects on marine ecology.

- (e) *Natural character.*

See summary above under visual effects.

What is proposed to avoid, remedy or mitigate these effects?

Potential adverse effects will principally be avoided, remedied or mitigated by the location of the marine farm approximately 6 km from the shoreline.

- (f) *Sedimentation, erosion and coastal processes.*

Not applicable.

What is proposed to avoid, remedy or mitigate these effects?

Not applicable.

(g) Noise.

Based on the evidence presented at the previous consent application for this site, it is noted that no specialist evidence has been commissioned on the matter of noise. However, the planning evidence noted that any noise effects from servicing vessels will not be discernible due to the large distance from the shoreline.

What is proposed to avoid, remedy or mitigate these effects?

No mitigation measures are proposed or considered necessary.

4.2 Describe the post-activity effects on the environment.

(a) Effects on water quality in the area.

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(b) Visual effects.

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(c) Effect on marine ecology (*i.e. benthic habitats, vegetation, birdlife etc.*)

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(d) Effect on adjacent ecology (*i.e. wetlands, coastal margins, streams, rivers and land etc.*)

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(e) Natural character.

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(f) Sedimentation, erosion and coastal processes.

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(g) Noise.

Refer to the effects assessment in the section above.

What is proposed to avoid, remedy or mitigate these effects?

Refer to the effects assessment in the section above.

(h) Any other effects (e.g. navigation, flooding, cumulative effects, etc.)

Based on the evidence presented at the previous resource consent application for a marine farm at this site, it is considered that the following conclusions can be made regarding potential navigational effects:

- *The marine farms is located far from the recommended routes for commercial vessels sailing to, or from, the Port of Tauranga or the Eastern Bay of Plenty;*
- *Vessels passing through the site would be commercial fishing, charter and recreational fishing boats - all of which have a comparatively shallow draught of less than 4 m (compared with the proposed backbone depth of 10 - 15 m); and*
- *The marine farm will fully comply with the Maritime New Zealand standards for lighting and marking.*

What is proposed to avoid, remedy or mitigate these effects?

The marine farm will fully comply with the Maritime New Zealand standards for lighting and marking. In addition, Maritime New Zealand and LINZ will be notified of the coordinates of the marine farm before construction commences.

5 Public access

How will the structure change the current level of public access? I.e. will it result in no change or an increase in public access both to the Coastal Marine Area and within the Coastal Marine Area?

The matter of public access was considered in the previous resource consent application for a marine farm at this site. In summary, it is noted that recreational fishing boats etc will not be excluded from the marine farm and that they are likely to be attracted to the site given its beneficial effects for fishing.

It is accepted that there may be times when temporary or localised access restrictions may be necessary due to installation, maintenance or harvesting works. Furthermore, some members of the public (i.e. any commercial trawling or seining operators) may not be able to use the same fishing techniques within the boundaries of the marine farm.

[Continue on a separate sheet if necessary]

6 Alternative sites/methods

Please describe any alternative sites/methods, and reason(s) these are not proposed in your application. If this application is for an erosion protection structure (i.e. sea wall) please include an assessment of alternative options.

Given that it is not likely that the marine farm will result in any significant adverse effect on the environment, no assessment of possible alternative locations or methods for undertaking the activity has been undertaken.

[Continue on a separate sheet if necessary]

7 Monitoring

Describe details of any monitoring proposed.

A proposed monitoring plan shall be prepared by an appropriately qualified person in due course.

[Continue on a separate sheet if necessary]

8 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.

The committee that considered the previous resource consent application for the site heard evidence from Te Riaki Amoamo and Vaughan Payne on the potential cultural effects of the marine farm. By way of summary, the following points were noted:

- *The marine farm provides for the culture and traditions of Whakatohea, particularly their traditions of rangatiratanga (exercising customary authority), kaitiakitanga (exercising obligations to maintain and enhance taonga), manaakitanga (hospitality, including the provision of food to visitors) and hokohokotanga (trading or commercial activities);*
- *The marine farm is consistent with Tawharau o Nga Hapu o Whakatohea (Whakatohea Resource Management Plan), as well as with relevant tangata whenua provisions in the RMA and the relevant statutory planning documents; and*
- *The marine farm is an important part of a rebuilding process for Whakatohea.*

9 Persons likely to be directly affected by your proposal

The Whakatohea Maori Trust Board has not undertaken any specific consultation with interested parties respect to this resource consent application at this stage. It is noted that the previous resource consent application was publicly notified and that the parties who participated in the hearing process (either in support or opposition) included:

- *Opotiki District Council;*
- *Department of Conservation;*
- *Sanford;*
- *Ngati Awa;*
- *Wairaka Marae Committee;*
- *Ngati Ngahere;*
- *Ngati Ira;*
- *Ngati Ruatakena; and*
- *Ngati Patumoana.*

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 you may be asked to consult with such persons at a later date.

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 persons and attached to this application, can be found at 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*).

[Continue on a separate sheet if necessary]

10 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.

11 Deposit fee

A deposit fee of \$774.00, 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

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

Rueben Fraser and Jo Noble.

- √ Complete all details applicable in this application form.
- √ Complete all details on the specific consent activity form(s) (*e.g. Land Disturbing Activities*).
- √ 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, completing this form will suffice. For major activities, a more detailed AEE must be attached to the application*).
- √ 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 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 or stick drive, 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 

Date

25/7/2017

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 \$774.00 (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

Bay of Plenty Regional Council
Section 36 Resource Management Act 1991
Charges Policy 2014-2015

Table 1: Consent application fees

General Application Fee (GST inclusive) <i>Note: this is a deposit and other fees incurred will be recovered on an actual and reasonable basis.</i>	
<ul style="list-style-type: none"> • Resource Consent applications (except those specified below as fixed charges). • Certificates of Compliance (excluding Onsite Effluent Treatment). • Changes or cancellation of conditions of consents. • Review of consent conditions. • Transfer of consent to another site or another person at another site. • Lapsing period extensions. 	\$774
<ul style="list-style-type: none"> • Publicly Notified Applications. 	\$10,000
Other application fees (GST inclusive)	
<i>Note: these are fixed charges with no additional costs payable.</i>	
Certificates of compliance – Onsite Effluent Treatment Regional Plan.	\$50
Land use consent to construct a single geotechnical, freshwater bore or domestic geothermal bore.	\$390
Applications for activities listed in regional plans that have zero fee. ¹	\$0
Transfer of consent to another person at the same site.	\$90
Short term consent for five years or less for onsite effluent treatment systems in future reticulation zones.	\$390
Application to reduce the allocated volume/rate in a water take consent.	\$0
Applications for existing and previously consented structures on the Rotorua Lakes where the structure/s will remain unchanged, are not for commercial use and where the application follows a non-notified consent process.	\$390
<p>Notes</p> <p>A. Where fees are deposits only, the applicants will be charged all actual and reasonable costs above the deposit fee. Such costs may include, but not be limited to, staff time (see Schedule A), advertising, hearing costs (including costs of Committee members, Commissioners, Technical Appointees and the Minister of Conservation's representative), disbursements, and costs of consultants.</p> <p>B. Where an application is withdrawn, the fixed fee of \$500 will be retained and any actual and reasonable costs incurred will also be charged.</p> <p>C. Where costs are incurred that exceed \$2,000 above the deposit, or at the end of every quarter, the applicant may be requested to pay an additional amount by way of an interim payment against the final total costs.</p> <p>D. In accordance with Section 36(7), the processing of any application may be suspended until any relevant charge is paid in full.</p> <p>E. Where the deposit fee exceeds the processing costs by \$25 or more, the difference will be refunded to the applicant.</p> <p>F. Notwithstanding the above fee structure, the Consents Manager may require an appropriate application deposit fee for complex, multi-consent projects, or limited notified applications, up to a maximum of \$10,000 (GST inclusive).</p> <p>G. Costs for Hearing Committee members and Commissioners will be recovered from applicants at their set charge-out rate. Disbursements will be charged at actual and reasonable cost.</p> <p>H. The deposit fee for a Review of Consent Conditions is payable by the 20th of the month following service of notice by Council.</p> <p>I. All charges apply from 1 July 2014.</p>	

¹ At the time of writing, this includes some bore permits under the Rotorua Geothermal Regional Plan (Rule 19.6.3(d)), and some wetland works under the Regional Water and Land Plan (Rule 80 and Method 261).

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

Grouping	Positions	Hourly Charge
Administration	Planning Administration Officer Water Administration Officer Pollution Prevention Administration Officer Environmental Data Assistant Committee Administration Officer	\$77
Officers/Planners	Planner Pollution Prevention Officer Consents Officer Maritime Officer	\$95
Senior Officers/Senior Planners	Senior Consents Officer Senior Pollution Prevention Officer Senior Planner	\$110
Engineer/Scientist/Project Officers	Environmental Engineer Environmental Scientist Project Implementation Officer	\$114
Team Leader/Senior Project Officers/Works Engineer	Consents Team Leader Pollution Prevention Team Leader Laboratory Services Team Leader Works Engineer Senior Project Implementation Officer	\$121
Senior Engineer/Senior Scientist/Harbourmaster	Harbourmaster Senior Environmental Scientist Principal Technical Engineer	\$126
Managers/Regional Harbourmaster	Regional Harbourmaster Consents Manager Data Services Manager Regional Integrated Planning Manager Natural Resources Policy Manager Science Manager Pollution Prevention Manager Engineering Manager	\$162
Consultants	External Consent Processing or Specialist Technical Consultant	As charged by consultant

Note: Some positions may not be listed. In such cases the charge will be calculated from actual time (including travel time) charged at rates determined from annual salary plus on-cost.

The full Section 36 Charges Policy is available at
<http://www.boprc.govt.nz/knowledge-centre/policies/section-36-charges-policy/>

What you need to know before you apply for a Resource Consent



Resource consents are used to manage the impact that certain activities have on people and the environment.

Regional plans identify activities that require resource consents. There are four types of resource consents that the Bay of Plenty Regional Council can issue:

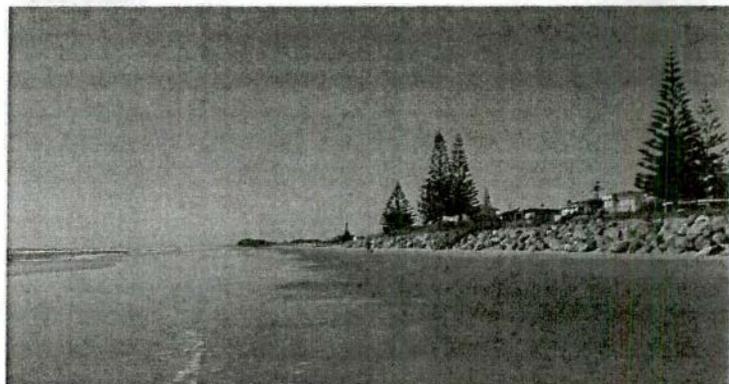
1. Land use consents
2. Discharge consents
3. Water consents
4. Coastal consents

Subdivision, building and some land use consents are issued by District and City Councils.

Land use consents

Certain types of land use can have negative environmental effects such as decreased water quality, erosion, flooding or ecological effects. You may need a land use consent if you want to:

- build or alter a bridge, culvert, stopbank or ford,
- construct or alter a well or bore,
- disturb or alter a wetland area,
- disturb the bed of a river or lake (e.g. reclaim, dredge, excavate, drill or erect a structure),
- carry out earthworks, soil cultivation, roading, tracking, mining or quarrying activities,
- plant or clear vegetation,
- install or use a structure (e.g. jetties, retaining walls, steps, boat launch or moorings),
- disturb contaminated or potentially contaminated land, and
- disturb or alter a geothermal surface feature in Rotorua.



Coastal Protection works, Waihi Beach

Discharge consents

Discharge consents cover activities which discharge to water, land or air. You may need a discharge consent if your activity will or *may* discharge:

- Water into water (this includes clean or contaminated water),
- Effluent, waste products or contaminated water onto, or into land,
- Landfill or cleanfill leachate,
- Carry out a nutrient discharging activity (e.g. increase stocking rates within the Rotorua Lakes Catchment area),
- Water and/or contaminants into water, or onto or into land, in association with a geothermal take, and
- Dust, steam, smoke or other contaminants into the air and/or those that create offensive odours.

Water consents

You may need a water consent if you want to, construct a dam or stopbank, divert a water course or take or use:

- Surface water (e.g. water from a river, stream, dam, lake, spring or the coast),

- Groundwater (e.g. water from an underground source), and
- Geothermal water, heat or energy.

Coastal consents

Coastal consents relate to resources in the coastal marine area (CMA). The CMA is a defined area of foreshore, seabed, coastal water, and air space above the sea typically taken from the average high tide level on the beach out to the territorial limit (12 nautical miles) and a set distance upstream of most rivers. If you are carrying out an activity near the coast or in a river near the coast, check out the full definition of the CMA in our Regional Coastal Environment Plan at www.boprc.govt.nz keywords 'coastal plan'.

You may need a coastal consent if you want to occupy space associated with structures or reclamations or carry out an activity within the CMA such as:

- installing or using a structure (e.g. jetties, retaining walls, steps, boat launch, or moorings),
- reclamations, and
- disturbance (e.g. dredging or associated with construction).

How to apply for a Resource Consent

You should talk to a Consents Officer for advice before you begin the application process. A Consents Officer can help identify if a consent is needed, and also what information should be submitted.

To contact an officer for helpful advice call 0800 884 880 or visit either Whakatāne or Mount Maunganui Regional Council offices.

Required information

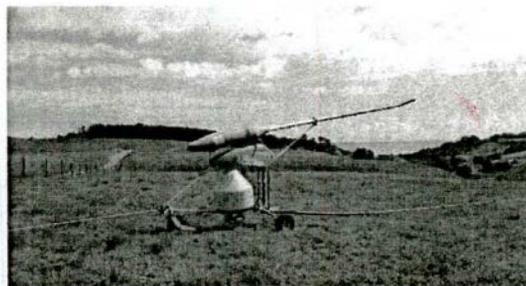
Making sure that your information is accurate and the application forms are complete will ensure that your application is processed quickly, and will reduce costs.

The application must as a minimum include:

- a completed, signed and dated 'Base Form' (unless applying for a bore or well which has its own form),
- a description of the activity you are proposing,
- any specific information requested on the relevant application form,
- the Ministry for the Environment provides additional advice on preparing AEEs (www.mfe.govt.nz), a description of the site including relevant features such as streams, wetlands, vegetation, past development and the wider environment,
- a detailed description of any consultation undertaken. This includes all written and verbal correspondence, and
- details about the location of your activity such as a map, aerial photograph or detailed sketch plan. You can visit www.boprc.govt.nz (Regional Mapping) to use the mapping tool to locate, and print maps of properties.

Your submitted map should at least show:

- your property boundary and neighbouring properties,
- the nearest country road or state highway,
- the location of any waterways, wetlands or wildlife habitats in the area,
- any known historic or waahi tapu sites, and
- any known significant features, including geothermal or archaeological sites.



Dairy effluent irrigation to pasture requires a resource consent in the Bay of Plenty



Works in stream beds such as building bridges or dams may need a consent



Structures over the bed of the Rotorua Lakes including jetties, platforms, pontoons, retaining walls and ramps will need a resource consent

Cost of Consents

Under the Resource Management Act (RMA), the Bay of Plenty Regional Council will recover costs associated with processing applications, and administering, supervising, and monitoring granted consents.

For more information on resource consents costs view our factsheet 'What does a resource consent cost?' which is available on our website visit www.boprc.govt.nz.

If you have any questions about costs involved with resource consents or about resource consents in general, contact us on 0800 884 880 or check out our website www.boprc.govt.nz, search: resource consents



0800 884 880