**2A Land disturbing activities (earthworks, quarrying and contaminated land)**

We recommend you discuss your application with a Consents Planner before you apply. The 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**](mailto: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.**

Land disturbing activities are subject to rules in the **Regional Natural Resources Plan**, which is on our website: <http://www.boprc.govt.nz/knowledge-centre/plans/>.

**Rule/s** of Regional Natural Resources Plan that apply to the activity:

**Activity status** of your consent application:

Controlled

Restricted discretionary

Discretionary

**National Environmental Standard for Freshwater:**

Is the proposed activity within 100m of a wetland?

Yes

No

I apply for resource consent(s) 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 *(select 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 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**

1. **Description of activity**
2. **Nature of activity** *(e.g. urban subdivision, farm re-contouring)*:

*If you are working in a stream, river, or wetland, fill in consent application Form 1B.*

1. **Area** of earthworks       m2 Stage(s)       m2 per stage

      m2 per stage

1. **Volume** of earthworks       cut m3 Stage(s)       cut m3 per stage

      fill m3 Stage(s)       fill m3 per stage

1. **Movement of material** off or on site:  Yes  No

Material coming from:

Material going to:

1. **Winter earthworks**:  Yes  No

*Winter earthworks period is 1 May to 15 September.*

1. Site is potentially **contaminated**:  Yes  No

*See Part 2 section 8 below for guidance and additional information requirements.*

1. Flocculants will be used to treat water in Sediment Retention Ponds and / or Decanting Earth Bunds:  Yes  No
2. Chemical dust suppressants will be used onsite:  Yes  No
3. **Schedule of works**

Estimated **timing** of each stage of the earthworks, including installation/removal of erosion and sediment controls:

|  |  |  |  |
| --- | --- | --- | --- |
| **Stage** | **Description**  (Site preparation, erosion and sediment control installation, topsoil clearance, etc.) | **Expected start date** | **Expected completion date** |
| **1** |  |  |  |
| **2** |  |  |  |
| **3** |  |  |  |
| **4** |  |  |  |
| **5** |  |  |  |
| **6** |  |  |  |
| **7** |  |  |  |
| **8** |  |  |  |
| **9** |  |  |  |
| **10** |  |  |  |

1. **Site information**

Dominant slope:

Depth to water table *(from ground level)*:

Existing vegetation type:

Existing land use *(your property)*:

Previous land use *(your property)*:

Historical land use *(up to 50 years)*:

Neighbouring land use(s):

Soil type and geology:

Describe **features** on your site:

1. Streams/drains *(including permanently and intermittently flowing):*

1. Wetland:

1. Identified archaeological and proximity to site:

1. Identified sites of cultural significance and proximity to site:

1. Neighbouring infrastructure: roads, power lines, railway lines:

1. Protected natural areas or sites of ecological importance:

1. Ocean/harbour:

1. **Site plan**

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

1. 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.
* Drainage patterns.

1. Proposed **final site plan** (post-development):

* Finished contour *(heights)*, including ground levels in relation to neighbouring properties.
* Drainage patterns.

1. Proposed **development plan**(s):

* Area of proposed activity.
* Areas of cut.
* Areas of fill.
* Stockpile area *(e.g. topsoil and fill)*.

1. **Erosion and sediment control plan** for each stage:

* Location and types of erosion and sediment controls, including types of controls *(e.g. sediment ponds, bunds, silt fences)*.
* Control design details *(including cross section)*.
* Clean water diversions and internal contour drains.
* Discharge locations.

1. **Winter earthworks** plan (if winter earthworks applied for):

* Winter earthworks areas of the site, including stabilised and exposed catchment areas.
* Location and types of erosion and sediment controls.
* Control design details *(including cross sections)*.
* Clean water diversions and internal contour drains.
* Discharge locations.

*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. **Erosion and sediment controls**
2. Provide **supporting calculations** for your proposed erosion and sediment control(s), including for winter earthworks controls. *Refer to the Erosion and Sediment Control Guidelines on our website:* [*https://www.boprc.govt.nz/earthworks/#controls*](https://www.boprc.govt.nz/earthworks/#controls)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Control type** |  |  |  |  |
| **Catchment** e.g. area, slop, length, percentage of catchment. |  |  |  |  |
| **Capacity of control** e.g. control dimensions. |  |  |  |  |
| **Outlet location(s) and details** e.g. number of decants, spillway width/depths. |  |  |  |  |
| **Erosion protection** e.g. inlet/outlet. |  |  |  |  |

1. **Surface stabilisation method** at the completion of works, and sequence/timing:

1. **Treatment chemicals**:  Yes  No

If yes, provide a **chemical treatment plan**, detailing:

* Bench testing (sediment settlement) results, including determination of appropriate chemical, and the application rate.
* Methods of application, including supporting calculations.
* Treated water discharge locations.
* Expected discharge parameters and limits.
* Contingency management.
* Record keeping details.
* Storage details.
* Expectant discharge parameters and limits.

1. **Dust control**

* **How water will be applied** *(e.g. how sprinklers and/or water cart systems will be used, their capacities and hours of operation, the source of water, and the source capacity and availability)*. Provide **confirmation of your water source**.
* **Binding agents/dust suppressants** for use in the water carts or sprinkler systems. If using dust inhibitors, provide details (eg Material Safety Data Sheet, duration of use, distance to water body or drain, storage location, Spill Management Plan including onsite equipment).
* Restriction on total **exposed area** *(e.g. staging)*.
* **Signs** displaying a 24-hour contact telephone number for the site contractor for dust and other complaints. This does not replace the pollution hotline service, but should provide a further incentive for the site supervisor to maintain adequate dust control.
* The use of **wind-break fencing** in problem areas.
* **Covering exposed areas** with temporary windshield cloth or geotextile fabrics.
* **Other options** if dust management is unsuccessful.

1. **Dust control** measures:

*[Continue on a separate page if necessary]*

1. Measures to prevent **tracking of dust and sediment** by vehicle movement off the work site *(e.g. stabilised site entrance, etc.)*:

1. **Risk assessment**

Earthworks risk assessment:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Factor** | **Effect** | **Severity** | **Likelihood** | **Significance** | **Measures to avoid, remedy, mitigate** |
|  |  | Low Very severe  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle |  |
|  |  | Low Very severe  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle |  |
|  |  | Low Very severe  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle |  |
|  |  | Low Very severe  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle |  |
|  |  | Low Very severe  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle | Low High  1 2 3 4 5  Please circle |  |

1. **Contaminated land/ HAIL assessment**

To support the identification of land that may be contaminated, the Ministry for the Environment (MfE) has created a list of activities and industries that are likely to cause land contamination. The Hazardous Activities and Industries List (HAIL) can be found at: <https://environment.govt.nz/publications/hazardous-activities-and-industries-list-hail/>

**HAIL site assessment**

The HAIL is the current edition of the Hazardous Activities and Industries List, as held by the Ministry for the Environment.

Is an activity described on the HAIL currently being undertaken on the land to which this application applies?  Yes  No

Has an activity described on the HAIL ever been undertaken on the piece of land to which this application applies?  Yes  No

Is it more likely than not that an activity described on the HAIL is being or has been undertaken on the piece of land to which this application applies?  Yes  No

1. **If YES, to any of the above resource consent may be required from the Bay of Plenty Regional Council to disturb or remediate contaminated land. To determine if a resource consent is required, under DW R25 of the Regional Natural Resources Plan for the disturbance or remediation of contaminated land, your application must include the following:**
   * A Preliminary Site Investigation (PSI) report; and/or
   * A Detailed Site Investigation (DSI) report; and
   * An assessment of whether the site includes contaminated land as defined by the Bay of Plenty Natural Resources Plan

If the proposal involves the disturbance or remediation of contaminated land, the application must also be supported by a Contaminated Site Management Plan (CSMP) or Remediation Action Plan (RAP).

A PSI, DSI, CSMP and RAP must be prepared by a suitably qualified and experienced practitioner in contaminated land in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines No.1 Reporting on Contaminated Sites in New Zealand.

(b) **If YES, to any questions under 8(a), the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) may apply. Check the five activities to which the NES:CS applies:**

Is the activity you propose to undertake removing or replacing a fuel storage system or parts of it?  Yes  No

Is the activity you propose to undertake sampling soil?  Yes  No

Is the activity you propose to undertake disturbing soil?  Yes  No

Is the activity you propose to undertake subdividing land?  Yes  No

Is the activity you propose to undertake changing the use of the land?  Yes  No

**If also YES to any of the above activities (8(b)), the NES:CS is likely to apply, and any necessary resource consents should be sought from your district or city council.**

1. **Cultural effects assessment**

*The Regional Policy Statement is clear that only tāngata whenua can identify their relationship with an area. It is good practice to consult with tāngata 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 plan/s**

*Provide an assessment of the proposal against the relevant objectives and policies of the Regional Natural Resources Plan, on our website:* <http://www.boprc.govt.nz/knowledge-centre/plans/>.

*Also consider the National Policy Statement for Freshwater Management if the proposed activity has any effect on a wetland or is within 100m of a wetland. Refer to the Ministry for the Environment website* [*https://www.mfe.govt.nz/rma/rma-legislative-tools/national-policy-statements*](https://www.mfe.govt.nz/rma/rma-legislative-tools/national-policy-statements)

*[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

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 it is to discuss and try to agree on consent conditions.

Yes, if the application process is completed before

No.

1. **Deposit**

A **$2,700** deposit (including GST) is required with this application. If the application is only for remediating contaminated land, the deposit is **$1770** (including GST). 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 environment 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

If the site has been identified as a HAIL site or contaminated site, provide a remedial action plan (if site remediation project) and/or a management and monitoring plan.

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 will not begin processing your application until the $2,700 deposit is paid,** unless prior arrangement is made. Processing costs are likely to exceed 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](mailto: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/Planners  Senior Officers/Planners  Engineers/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 Officer  Senior Engineer/Senior Scientist  Principal 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/)