

Application for resource consent

– Resource Management Act 1991 (section 88)



| | |
|-------------------------|--|
| Application number: | |
| Date and time received: | |

2A Land disturbing activities (earthworks and quarrying)

We recommend you discuss your application with a Consents Planner before you apply. The first hour is free and will save you time and money in the long run. After the first hour, 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

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: Rule LM R4

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).

If you've already filled out Part 1 on another form (if applying for more than one activity), go straight to Part 2 of this form.

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: Tauranga City Council

Contact person: Ana Hancock

NZ Companies Register number:

2 Applicant/s contact details

Postal address: Private Bag 12022, Tauranga 3143

Telephone *(select preferred contact number)*

☐ Residential

☐ Business

07 577 7000

☐ Cell

Email ana.hancock@tauranga.govt.nz

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

Company name: 4Sight Consulting

Contact person: Paula Golsby

Postal address: PO Box 13077, Tauranga, 3141

Telephone *(select preferred contact number)*

☐ Business

☒ Cell 027 556 6377

Email paulag@4sight.co.nz

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

☐ Applicant

☒ Consultant

4 **Owner/occupier name and address** *(of the site relating to application)*

Owner: Tauranga City Council

Postal address: as above

☐ Residential

☐ Business

Occupier: Tauranga City Council

Postal address:

☐ Residential

☐ Business

If the applicant does not own the land on which the activity relates, then it is good practice to provide landowner written approval with the application.

5 **Application details**

(a) **District** the activity is located in:

☐ Whakatāne District

☐ Ōpōtiki District

☐ Rotorua District

☐ Kawerau District

☒ Western Bay of Plenty District

☐ Tauranga District

☐ Taupō District

(b) Application to replace an **existing or expired consent(s)**:

☐ Yes ☒ No

If yes, consent number(s):

(c) Consent **duration** sought:

5 years months

Start date: Summer 2021/22

Completion date *(if applicable)*: December 2022/early 2023

(d) Resource consent(s) also required from a **district council**:

☒ Yes ☐ No

Type of consent required: Land use consent

Has it been applied for?

☒ Yes ☐ No

Has it been granted? (If yes, please attach)

☐ Yes ☒ No

6 Activity location/s

Site address/es: 1031 Omanawa Road, Omanawa

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

Lot 1 DPS 51590 and Lot 1 DPS 44124 (SA43D/853)

Lot 1 DPS 82484, Lot 1 DPS 82722, Sections 10 and 11 Block IV Otanewainuku Survey District (SA65B/226)

Map reference/s NZTM: E1871615 N5806814 (approximate centre point)

PART 2

1 Description of activity

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

Earthworks for the creation of a car park associated with a walking track (refer to section 3 of AEE)

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

| | | | | |
|-----|---------------------------|----------------------|----------|--------------------------|
| (b) | Area of earthworks | 2,500 m ² | Stage(s) | m ² per stage |
| | | | | m ² per stage |

| | | | | |
|-----|-----------------------------|--------------------------|----------|-------------------------------|
| (c) | Volume of earthworks | 1,700 cut m ³ | Stage(s) | cut m ³ per stage |
| | | 600 fill m ³ | Stage(s) | fill m ³ per stage |

(d) **Movement of material** off or on site: ☐ Yes ☐ No

Material coming from:

Material going to:

(e) **Winter earthworks:** ☐ Yes ☐ No

Winter earthworks period is 1 May to 15 September.

(f) Site is potentially **contaminated:** ☐ Yes ☒ No

See National Environmental Standard for Contaminated Land for guidance.

2 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 | Refer to AEE | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

3 Site information (refer to AEE for 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:

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

(b) Wetland:

(c) Identified archaeological and proximity to site:

(d) Identified sites of cultural significance and proximity to site:

- (e) Neighbouring infrastructure: roads, power lines, railway lines:
 - (f) Protected natural areas or sites of ecological importance:
 - (g) Ocean/harbour:
-

4 Site plan

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

- (a) 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.
- (b) Proposed **final site plan** (*post-development*):
 - Finished contour (*heights*), including ground levels in relation to neighbouring properties.
 - Drainage patterns.
- (c) Proposed **development plan(s)**:
 - Area of proposed activity.
 - Areas of cut.
 - Areas of fill.
 - Stockpile area (*e.g. topsoil and fill*).
- (d) **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.
- (e) **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 keywords 'regional mapping'). The maps include property boundary and contour layers. You can search by property, view and print topographic maps and aerial photographs.

5 Erosion and sediment controls

- (a) 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>

| | | | | |
|--|--|--|--|--|
| 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. | | | | |

- (b) **Surface stabilisation method** at the completion of works, and sequence/timing:

- (c) **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.

6 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 (availability, duration of use).
- 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.

(a) **Dust control** measures:

[Continue on a separate page if necessary]

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

7 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 | |

8 Contaminated site assessment

Has any site on the property ever been an orchard, market garden or commercial greenhouses growing any type of fruit or vegetable crop? ☐ Yes ☒ No

If yes, describe the crop type(s), period of time of use and a full list of any chemical or organic sprays used during the orcharding period.

Was the property in agricultural land use over the last 50 years? ☐ Yes ☐ No

If yes, describe the stock type(s) and period of time (e.g. Dairy 1946-2010). Advise if there was livestock dipping or spray races on the site, and the types of agrichemicals and fertilisers used on the land.

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 piece of 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

If YES, to any of the above, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health may apply. Check the five activities to which the NES 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, then the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is likely to apply.

9 Cultural effects assessment

The Regional Policy Statement is clear that only tangata whenua can identify their relationship with an area. It is good practice to consult with tangata whenua about your application so that you can provide an accurate assessment of cultural effects.

We can provide a list of iwi and hapū with an interest in the site. Iwi and hapū management plans are on our website www.boprc.govt.nz (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:

Refer to AEE

[Continue as necessary]

10 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/>.

Refer to AEE

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>

Refer to AEE

[Continue as necessary]

11 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 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]

12 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.

13 Deposit

A **\$2700** 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: Lucy Holden

Pre-application code RM - -PÄ

☐ 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 consent application. Information in this application is regarded as **official information**.

Bay of Plenty Regional Council will hold this information, and it is subject to the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. **This information will generally be available to the public. Let us know if you want any of this information to be confidential.**

- 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: 16 July 2021

Name: Paula Golsby, 4Sight Consulting for and on behalf of Tauranga City Council

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 \$2700.00 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 RMA sets 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).

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

Hourly charges for staff and consultants

| Group | Hourly charge (including GST) |
|---|-------------------------------------|
| Administration | \$120 |
| Officers/Planners | \$170 |
| Senior Officers/ Planners | |
| Engineers/Scientist/Regulatory Project Officers (RPO)/ Environmental Data Officer/Laboratory Technicians | |
| Compliance Monitoring Officer (externally contracted) | |
| Maritime Officer | |
| Team Leaders/Senior RPO/Works Engineer/Senior Maritime | \$190 |
| Senior Engineer/Senior Scientist/Harbourmaster | |
| Pou Ngaio (Technical/Cultural RMA Specialist) | |
| Managers/Regional Harbourmaster | \$280 |
| Consultants/Contractors | As charged by consultant/contractor |
| Regional Council staff mileage | Current applicable IRD rate |

The full **Section 36 Charges Policy** is on our website:

<http://www.boprc.govt.nz/knowledge-centre/policies/section-36-charges-policy/>