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File ref:

	SEEN		SEEN

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## Application to Change or Cancel Condition(s) of Consent Resource Management Act 1991 (s.127)

See notes to applicant (last pages of form) before proceeding with application form.

Under Section 127 of the Resource Management Act 1991, the undersigned hereby makes application to change or cancel condition(s) of a resource consent other than any condition relating to the duration of the consent, and understands that Sections 88 to 121 apply with all necessary modification.

### 1 **Consent holder** Bay of Plenty Regional Council

Full name of consent holder (*person(s) to whom the resource consent is issued*)

All correspondence, should be sent to:

☐ Applicant ☒ Consultant

Postal address: Fergusson Planning Limited, Suite 4, Level 1, 202 The Strand, Whakatane

Name of contact person: Tim Fergusson

Site address (*site described in the consent, if different from the above*)

266 Hydro Road, Edgecumbe

☐ Residential ( ) ☐ Business

☐ Cell (021) 748 525

Facsimile

Email tim@fergussonplanning.co.nz

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2 **Owner/occupier** *(of land to which consent relates)*

Name: Bay of Plenty Regional Council

Address: PO Box 364 Whakatane 3158

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3 **Legal description of land**

Riverbed, Lot 1 DPS 9156 (RT: SA69A/148) - Transferred to Bay of Plenty Regional Council for Soil Conservation and River Control Purposes (Transfer: 11467536.3)

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4 **Consent number(s)** *(as shown on consent document)*

65616

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5 **Condition number(s)** *(proposed to be changed or cancelled)*

Various, see accompanying report

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6 **Proposed changes**

See attached report

*[Continue on a separate sheet if necessary]*

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7 **Circumstances** *(that have caused the condition to become inappropriate or unnecessary)*

See attached report

*[Continue on a separate sheet if necessary]*

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8 **Persons likely to be directly affected by your proposal**

*Affected persons may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, relevant iwi and hapū and community groups. Special consideration should be given to persons who made submissions on the original consent (if applicable).*

*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 person and*

attached to this application, can be found at [www.boprc.govt.nz](http://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*).

Name

Address

☐ Written approval supplied (*attached*).

Name

Address

☐ Written approval supplied (*attached*).

Name

Address

☐ Written approval supplied (*attached*).

[Continue on a separate sheet if necessary]

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## 9 Assessment of effects

Describe the effects that the proposed condition change(s) may have on the environment. The Fourth Schedule of the Act summarised at the back of this form, lists the matters that should be included in such assessments.

See attached report

[Continue on a separate sheet if necessary]

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## 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.
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## 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.
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## Checklist

The following information must be included in your application to ensure it is accepted.

- ☒ Complete all details applicable in this application form.
  - ☒ 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 changes, complete the relevant section in the activity application form. 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, and one hard copy.
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## Information privacy issues

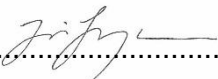
The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application, and to assist in the management of the region's natural and physical resources.

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.

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**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.**

Signature .....  .....

Date 13/08/22

# 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 20<sup>th</sup> 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

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## 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](http://www.mfe.govt.nz/publications/rma)