

# Application for resource consent

- Resource Management Act 1991 (section 88)



Application number:	
Date and time received:	

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## 2A Land disturbing activities (earthworks and quarrying)

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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](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: **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

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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*)

Company name: Te Puna Industrial Ltd

Contact person: Colin Booth/Dr Margaret Harris

NZ Companies Register number: 8185315

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

Company name: Momentum Planning & Design Ltd

Contact person: Vincent Murphy

Postal address: Leel 1, 136 Willow Street, Tauranga 3110

Telephone (*select preferred contact number*)

Business (07) 220 9812

Cell 021 283 0673

Email [Vincent@mpad.co.nz](mailto:Vincent@mpad.co.nz) and cc richard@mpad.co.nz

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):

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### 3 District and consent term

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

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

(b) Application to replace an **existing or expired consent(s)**:  Yes  No

If yes, consent number(s):

(c) Consent **duration** sought:

10 years          months

Start date: As soon as possible

Completion date (*if applicable*): Within 10 years of date of consent.

(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

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### 4 Activity location/s

Site address/es: 297 Te Puna Station Road

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

Part Lot 3 DP 22158, and Sections 2-3 SO 61751

Map reference/s NZTM: Lat 37.68390 degrees South, Long 176.08140 degrees North

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## PART 2

### 1 Description of activity

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

Earthworks to establish landscape and acoustic bunds, stormwater ponds, swales, and import fill and metal to establish a usable surface for industrial yards. Associated road improvements for site access. Construct new internal road.

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

- (b) **Area** of earthworks 10.06ha (inside site of 297 Te Puna Station Road)  
1.68ha (intersection improvements – road reserve)  
1.26ha (OLFP at 245 Te Puna Station Road)  
Stage(s): TBC with project engineers and contractors through detailed design

- (c) **Volume** of earthworks  
Maximum estimate of 80,000m<sup>3</sup> covering all scope of works including pre-loading as per geotechnical methodology.  
To be determined with project engineers and contractors, and neighbouring landowners, at detailed design stage.

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

Material coming from: Imported material for geotechnical improvements and pre-loading, metal for surface stabilisation and formation, materials for road formation.

Material going to: Not planned. If any excavated material determined to be unsuitable for re-use on-site, to be transported to location authorised to receive the fill.

- (e) **Winter earthworks:**  Yes  No

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

Flexibility is sought to be able to undertake winter earthworks by way of a condition of resource consent. A winter earthworks plan is unable to be prepared at the present time and stage of the project however.

- (f) Site is potentially **contaminated:**  Yes  No

*See National Environmental Standard for Contaminated Land for guidance.*

See the AEE for an assessment and description.

- (g) Flocculants will be used to treat water in Sediment Retention Ponds and / or Decanting Earth Bunds:  Yes  No

- (h) Chemical dust suppressants will be used onsite:  Yes  No

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## 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	See AEE section 3.4 for indicative staging and erosion and sediment controls. To be determined in progressing through to detailed design.	As soon as possible	As soon as possible

### 3 Site information

Dominant slope:	flat
Depth to water table ( <i>from ground level</i> ):	0.3m to 0.5m.
Existing vegetation type:	grass
Existing land use ( <i>your property</i> ):	grazing
Previous land use ( <i>your property</i> ):	grazing
Historical land use ( <i>up to 50 years</i> ):	subject to earlier earthworks consent
Neighbouring land use(s):	Industrial and Rural
Soil type and geology:	Organic Silt below undocumented fill

Describe **features** on your site:

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

The site has several farm drains running through the site. These drain to a culvert through to 245 Te Puna Station Road. A 20m-segment of the Hakao Stream runs through the eastern boundary of the old paper road along the south of the site, which forms part of the property.

(b) Wetland:

There are no wetlands on the application site. The land has been previously modified through filling the site with approximately 1 to 1.5m of fill to make it suitable for industrial use.

(c) Identified archaeological and proximity to site:

None

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

The mouth of the Wairoa River is known to have urupa which is over one kilometre to the site. Our consultation with Pirirakau has revealed that they are specifically concerned about water quality and stormwater management.

(e) Neighbouring infrastructure: roads, power lines, railway lines:

The application addresses the adjacent road network and also the power supply along the southern side of Te Puna Station Road. The new entrance to the site will require development works approval from WBOPDC.

- (f) Protected natural areas or sites of ecological importance:

No sites of ecological importance located on the site.

- (g) Ocean/harbour:

The mouth of the Wairoa River into Te Awanui Tauranga Harbour is over 1km to the east of the site.

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## 4 Site plan

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

\*\*\*Please see the application documents\*\*\*\*

- (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](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.

## 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>

See AEE section 3.4 for indicative staging and erosion and sediment controls. To be determined in progressing through to detailed design. Expected to be governed by conditions of consent.

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

A mixture of grass, landscaped bunds, and metalled areas following filling.

- (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 (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.

(a) **Dust control** measures:

Application of water at 5mm per ha/day (accords to BOPRC Erosion and Sediment Control Guidelines), as required in dust-generating conditions. Approved water source via groundwater take at site (200m<sup>3</sup>/day, approved for dust suppression purposes). Site entrance to Te Puna Station Road upgraded and stabilised. ....

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

Stabilised entrance into the site.

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## 7 Risk assessment

Earthworks risk assessment:

See AEE and supporting technical reports for full risk and effects assessments. Subject to following expert geotechnical methodology and best-practice erosion, dust and sediment control (as governed by conditions of resource consent), risk is considered to be suitably lowered to as low as practicable.

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## 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.

Site has been mostly used for grazing, and historically for orchard use.

### HAIL site assessment

\*\*\*\*\* See AEE for assessment of NES-CS \*\*\*\*\*

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.**

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## 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](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:

See AEE and correspondence with tangata whenua groups (Appendix 8 of AEE).

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## 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/>.*

See AEE for full assessment of relevant objectives and policies.

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>

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## 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.

Public notification requested, see section 8 of AEE.

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## 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.
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## 13 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.

**Has possibly been paid at the time of lodging original application January 2022**

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## Checklist

Name of **staff member** you discussed your application with: Marcia Christian

**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.

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Send your application to [RegulatoryAdmin@boprc.govt.nz](mailto:RegulatoryAdmin@boprc.govt.nz)

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### 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."

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- 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 23 Dec 2021

### IMPORTANT

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## 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 20<sup>th</sup> 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

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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

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 **Charges Policy** is on our website:

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