

# Application for resource consent

- Resource Management Act 1991 (section 88)



Application number:	
Date and time received:	

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## 7a Coastal structures including associated occupation and disturbance

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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.

Coastal structures and/or disturbance of the coastal marine area activities are subject to rules in the **Regional Coastal Environment Plan**, which is on our website: <http://www.boprc.govt.nz/knowledge-centre/plans/>.

**Rule/s** of the Regional Coastal Environment Plan that apply to your activity:

**Activity status** of your consent application:

- Controlled
- Restricted discretionary
- Discretionary

**Name of staff member** you discussed the application with:

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I apply for resource consent 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: KTK Hapu Holdings Limited

Contact person: Haydn Read

NZ Companies Register number:

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

Company name: Fergusson Planning Limited

Contact person: Tim Fergusson

Postal address: Level 1, 202 The Strand, Whakatane

Telephone (*select preferred contact number*)

Business

Cell 021 748 525

Email tim@fergussonplanning.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 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                 |  |

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

If yes, consent number(s):

c) Consent **duration** sought:

35 years                  months

Start date:

Completion date (*if applicable*):

d) 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

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### 4 Activity location

Site address/es: Seabed

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

Map reference/s NZTM: See accompanying report

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## PART 2

### 1 Description of activity

(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 (*specify*)
- (b) Purpose of Structure (*e.g. to provide boat access, to protect shoreline etc.*) Aquaculture
- (c) Type of structure (*e.g. jetty, sea wall, boat shed, pipeline, outfall*) Marine farming structures
- (d) Purpose of activity Aquaculture
- (e) Works methodology See accompanying report
- (f) Materials to be used See accompanying report
- (g) Duration of works See accompanying report
- (h) Machinery to be used (*specifically how many machines and what type*) See accompanying report
- (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.*) See accompanying report
- (j) Area occupied by new structure and/or area to be reclaimed 9,000ha m<sup>2</sup>
- (k) Are you undertaking earthworks on land within 40 metres of the Mean High Water Springs? No
- (l) What sediment controls will you use?
- (m) Have you read the *Guidelines for Erosion Protection Works in the 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? Applicant
- (p) Describe any ongoing maintenance work (*e.g. type of machinery, materials to be used, length of time and frequency of the works*).
- (q) See accompanying report
- (r) Intended use of structure.
- Public use
  - Commercial use
  - Private use

Some restrictions to public use (*please describe*) Restrictions on works near operating vessels for health and safety reasons

- (s) 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.

*The Guidelines for Erosion Protection Works in the Tauranga Harbour may be relevant to your structure and provide some useful advice on design considerations for small and medium sized structures.*

- (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.*)

See accompanying report

*[Continue on a separate page if necessary]*

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## 2 Site description

- (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. Please include photographs.

See accompanying report

*[Continue on a separate page if necessary]*

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## 3 Site plan

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

- Proposed structure.
- 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.
- 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.

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.

## 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.

See accompanying report

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

See accompanying report

#### (b) Visual effects.

See accompanying report

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

See accompanying report

#### (c) Effects on marine ecology (*i.e. bethoc habitats, vegetation, birdlife etc.*)

See accompanying report

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

See accompanying report

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

See accompanying report

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

See accompanying report

#### (e) Effects on natural character.

See accompanying report

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

See accompanying report

- (f) Effects on sedimentation, erosion and coastal processes.

See accompanying report

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

See accompanying report

- (g) Noise effects.

See accompanying report

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

See accompanying report

#### 4.2 Describe the **post-activity effects** on the environment.

- (a) Effects on water quality in the area.

See accompanying report

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

See accompanying report

- (b) Visual effects.

See accompanying report

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

See accompanying report

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

See accompanying report

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

See accompanying report

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

See accompanying report

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

See accompanying report

- (e) Natural character.

See accompanying report

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

See accompanying report

- (f) Sedimentation, erosion and coastal processes.

See accompanying report

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

See accompanying report

- (g) Noise.

See accompanying report

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

See accompanying report

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

See accompanying report

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

See accompanying report

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## 5 Public access

How will the structure change the current level of public access? Will it reduce access, result in no change or increase public access to and within the Coastal Marine Area?

Restrictions only in vicinity of operating vessels

[Continue as necessary]

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## 6 Alternative sites/methods

Please describe any alternative sites/methods, and reason(s) why they were not chosen. If this application is for an erosion protection structure (e.g. sea wall) please include an assessment of alternative options.

See accompanying report

[Continue as necessary]

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## 7 Monitoring

Describe details of any monitoring proposed.

See accompanying report

[Continue as necessary]



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## 8 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 accompanying report

*[Continue on a separate page if necessary]*

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## 9 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 Coastal Environment Plan (on our website: <http://www.boprc.govt.nz/knowledge-centre/plans/>).*

See accompanying report

*[Continue as necessary]*

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## 10 Persons likely to be directly affected by your proposal

*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.*

*If you do not think there will be affected persons, you do not need to fill out this section. The Bay of Plenty Regional Council will make the final assessment of whether a person is affected by your proposal, and it is best practice to consult with those 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. The Bay of Plenty Regional Council can help you identify people/organisations that are likely to be affected. 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]

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## 11 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 the extension is to discuss and try to agree on consent conditions.
- Yes, if the application process is completed before
- No.

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## 12 Deposit

A **\$2,700** deposit (including GST) is required with this application. 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 processing will not start 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.

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## Checklist

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 environmental 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 27/02/23

## **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'll not start 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 \$2000 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).
- 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-by-law-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

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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/>