

Application for resource consent

– Resource Management Act 1991 (section 88)



Application number:	
Date and time received:	

7B Disturb coastal marine area (no structure)

We recommend you discuss your application with a Consents Planner before you apply. The first 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 or visit www.boprc.govt.nz

See Notes to Applicant (last pages of form) before filling in this application form.

Activities disturbing the coastal marine area 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 Regional Coastal Environment Plan that apply to the activity:

Activity status of your consent application:

- ☒ Controlled
- ☐ Restricted discretionary
- ☐ Discretionary

I apply for resource consent under Section 88 of the Resource Management Act 1991 (RMA).

PART 1

1 **Applicant/s name and contact details** *(name/s to be on the consent)*

Western Bay of Plenty District Council

Primary Contact name: Peter Watson

Mobile 027 490 2543

Email: peter.watson@westernbay.govt.nz

Contact name: Emma Woods

Mobile 027 241 1836

Email: emma.woods@westernbay.govt.nz

Role: Reserves and Facilities Officer - West

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

Company name: Eco Nomos Ltd

Contact person: Jim Dahm

Postal address: 25 Adams Rd, RD5, Thames 3575

Telephone *(tick preferred contact number)*

☒ Cell 0274 18 219

Email jdahm@xtra.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):

3 District and consent term

(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:

33 years

Start date:

When consent issued

Completion date (*if applicable*): NA

(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

4 Activity location/s

Site address/es: See attached application report prepared by eco Nomos Ltd

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

As above

Map reference/s NZTM: As above

PART 2

1 Description of activity

(a) Type of consent(s) sought (*tick all that apply*)

- ☐ Reclaim/drain any foreshore or seabed
- ☒ Disturb foreshore/seabed including excavating/drilling/tunnelling
- ☐ Deposit any substance in, on, or under any foreshore or seabed (*including re-nourishment*)

- ☐ Remove sand/shingle/natural material from the coastal marine area (*this includes dredging*)
 - ☐ Remove/disturb vegetation within the coastal marine area
 - ☐ Discharge contaminants (*including sediment*) into the coastal marine area
 - ☐ Other (*specify*)
- (b) Purpose of activity Dune repair – see attached report by Eco Nomos Ltd
- (c) Works methodology see attached report by Eco Nomos Ltd
- (d) Materials to be used see attached report by Eco Nomos Ltd
- (e) Duration of works Periodic - see attached report by Eco Nomos Ltd
- (f) Volume of re-nourishment Varies - see attached report by Eco Nomos Ltd
- (g) Volume of extraction NA – not sand extraction.
- (h) Machinery to be used (*specifically how many machines and what type*) see attached report by Eco Nomos Ltd
- (i) Frequency of activity Varies - see attached report by Eco Nomos Ltd
- (j) Access to Coastal Marine Area site Will vary - see attached report by Eco Nomos Ltd
- (k) Area of disturbance in the Coastal Marine Area Will vary - see attached report by Eco Nomos Ltd
- (l) Area of reclamation if applicable NA
- (m) Are you undertaking earthworks on land within 40 metres of the Mean High Water Springs?
- Yes - Will vary - see attached report by Eco Nomos Ltd
- (n) Sediment controls to be used: NA – just moving clean sand. See attached report by Eco Nomos Ltd
- (o) Works to be carried out on:
- ☐ Crown land
 - ☒ Land owned by the territorial authority e.g. Tauranga City Council or Whakatāne District Council
 - ☐ Private land – is it your property?
- (p) Name of person/company who will undertake and supervise the works:
- Will vary - see attached report by Eco Nomos Ltd
- (q) Ongoing maintenance work required: type of machinery, materials to be used, length of time and frequency of the works:
- Will vary - see attached report by Eco Nomos Ltd
- (r) Provide plan and side views, to scale, of the proposed activity, including:

- (a) Tidal levels, including mean high-water springs and mean low-water springs.
- (b) Seabed levels.
- (c) Cut and fill placement.
- (d) Existing shoreline.
- (e) Area of reclamation if applicable.

Will vary - see attached report by Eco Nomos Ltd

- (s) Existing features such as trees, structures etc. and details whether these will be retained or removed. NA

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. Include photographs.

See attached report by Eco Nomos Ltd

[Continue as necessary]

- (b) Describe the consultation 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 attached report by Eco Nomos Ltd

[Continue as necessary]

3 Site plan

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

- Location
- Permanent landmarks
- Neighbouring structures
- Boatsheds, ramps, jetties, etc
- Adjacent public roads or reserves
- Significant cultural, ecological and/or historic sites
- Recreational or scenic sites
- 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.

See attached report by Eco Nomos Ltd

4 Assessment of environmental effects (AEE)

4.1 Provide an assessment of environmental effects both during and after the works, including for example:

- Water quality
- Visual effects
- Marine ecology (benthic habitats, vegetation, birds)
- Ecology adjacent to the CMA (wetlands, coastal margins, streams, rivers, land)
- Natural character
- Sedimentation and erosion
- Coastal processes
- Navigation
- Flooding
- Cumulative effects
- Noise
- Methods to avoid, remedy or mitigate the identified effects

See attached report by Eco Nomos Ltd

5 Alternative sites/methods

Describe alternative sites/methods, and reason(s) these are not proposed.

See attached report by Eco Nomos Ltd

[Continue as necessary]

6 Monitoring

Describe monitoring proposed.

See attached report by Eco Nomos Ltd

[Continue as necessary]

7 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:

See attached report by Eco Nomos Ltd

It is required that the views of Customary Marine Title applicant groups are sought before the consent application is lodged (s62 Marine and Coastal Area Takutai Moana Act 2011). Contact the Consents Duty Planner on 0800 884 880 or consents.queries@boprc.govt.nz for a list of all Customary Marine Title applicants and their contact details. Provide evidence in your application that you have sought their views and records of consultation.

[Continue as necessary]

8 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 attached report by Eco Nomos Ltd

[Continue as necessary]

9 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 Customary Marine Title and Protected Customary Rights applicant groups, 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:

Not applicable – public land

[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 the extension is to discuss consent conditions.
- ☐ Yes, if the application process is completed before
- ☐ No.

10 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 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: Belinda Westerman

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 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
- ☒ Written approval from all affected parties, and/or summary of consultation carried out
- ☒ Evidence that you have sought the views of all Customary Marine Title applicant groups

- ☒ 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

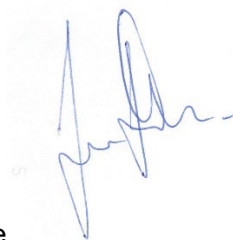
Information privacy

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) 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 5 May 2025

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 be more than 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 \$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-bylaw-authority> or by emailing: 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

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/>