

# Guide to lake structures



## What are lake structures?

This means anything constructed, whether temporary or permanent, moveable or immovable, where any part intrudes into, or is placed over, the waters of a lake, or is on land that would be covered by water when lake levels rise, and includes:

- Buildings (boatshed, boat port)
- Structures (jetty, ramp, including boat ramps, slipway, stairs)
- Moorings
- Walls and retaining walls built of any material, including rocks.

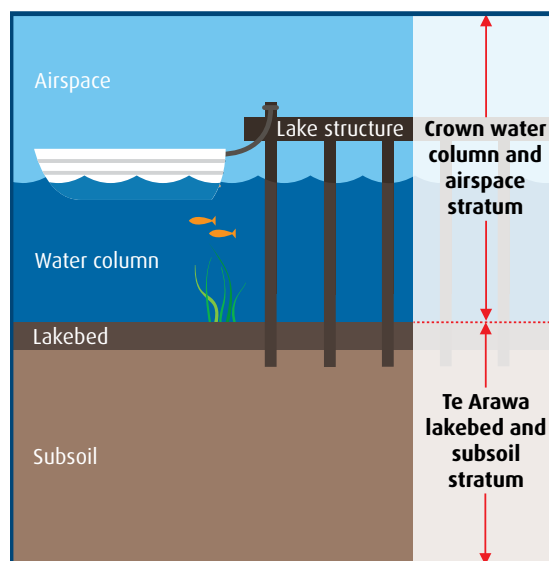
Requirements for consents are the same, whether for a new structure or an extension to an existing structure.

## Why do we need rules?

Rotorua lakes are a national treasure and a jewel of the Bay of Plenty. They are also significant habitat for a number of aquatic plants and animals. Any application to build a structure on the lakes will need to consider how it will affect these.

## Lake ownership and management

This diagram describes lake ownership for the Rotorua Te Arawa Lakes Ōkāreka, Ōkataina, Rerewhakaitū, Rotoehu, Rotoiti, Rotomā, Rotomahana, Rotorua, Tarawera and Tikitapu; including Lakes Ngāhewa, Ngāpōuri and Tūtaeinanga located in the Waikato Region.



A lake structure

## Who does what?

- Land Information New Zealand administers the Crown Stratum on behalf of the Crown.
- Te Arawa Lakes Trust are landowners of the Te Arawa lakebeds, and administer and manage the Te Arawa stratum.
- Bay of Plenty Regional Council issues resource consents for lake structures on behalf of both the Regional Council and Rotorua District Council
- There may be publicly owned, privately owned or Trust owned land around the lake, or in the lake itself.

A private Trust owns Lake Rotokawau, a Māori Trust owns Lake Rotokākahi. For advice on Lake Ōkaro, contact Rotorua District Council. If you want to erect a structure in these lakes, contact Bay of Plenty Regional Council for advice.

Any lake structure in the Waikato lake listed come under the lease process in this brochure, but need resource consent from Waikato Regional Council, not Bay of Plenty Regional Council and Rotorua District Council.



## Approval needed to erect or extend a lake structure

Jetties are exempt from the building consent process if height above the waterline is less than 1.5 m or they form an integral part of another structure, such as a boat shed. Buildings over the water will require a building consent.

You need the following approvals to fully authorise a new lake structure or extend an existing one (in order):

- Written approval from the landowners and affected parties – may involve a lease payment.
- Resource consent from Bay of Plenty Regional Council. This considers effects on the environment, the community and affected individuals under the Resource Management Act, regional plans and the Rotorua District Plan.
- Building consent from Rotorua District Council.

## Affected party approvals

When you apply for a resource consent for your lake structure you are required to provide approval from affected parties and owners.

This approval may be provided in a letter from them or Bay of Plenty Regional Council can provide a form which you can get them to sign.

Affected parties can include anyone who might be affected by your application and can include landowners, Rotorua District Council, Te Arawa Lakes Trust, LINZ, neighbours etc.

You should try and get approval from these affected parties before you make your resource consent application. Bay of Plenty Regional Council can help identify potentially affected people including landowners if you are unsure where property boundaries are.

## Jetties are open to the public

The public are able to use most jetties on the Rotorua lakes at any reasonable time and for any reasonable period. There are exceptions for commercial, safety or private land ownership reasons.

## Check out the planning documents

Bay of Plenty Regional Council will assess your lake structure resource consent application based on the Regional Water and Land Plan, Tarawera Catchment Plan and the Rotorua District Plan.

## When a resource consent application is notified

Given the many different lake users and potential affected parties, some applications for new lake structures will need to be notified.

When you lodge your resource consent application with Bay of Plenty Regional Council, it will decide on a case-by-case basis whether it needs to be notified or not.

### Non-notified

This means Bay of Plenty Regional Council will consider the application without asking for submissions from others. To be non notified, the effects of your structure need to be minor, and you will need the written approvals of all affected parties.

### Limited notified

Bay of Plenty Regional Council seeks submissions from affected parties. The Bay of Plenty Regional Council will only consider submissions from affected parties.

### Publicly notified

Most existing structures are non-notified. In publicly notified consents, submissions are invited from the public, this generally occurs when structures are on multiple titles. Bay of Plenty Regional Council can consider submissions sent in from anyone.

For limited notified and publicly notified resource consents, your application will have a formal hearing if any submissions are lodged and the issues in the submission(s) cannot be resolved.

## How much will this cost?

You must pay for:

- Preparing the application, such as survey plan of the lake structure and legal property boundaries etc.
- The lease from the landowners and lakeowners.
- Consultation with affected parties.
- Bay of Plenty Regional Council resource consent processing fee, which includes administration costs, limited/public notification of your resource consent, the hearing, including hourly rates for the decision makers and expert advice.
- PIM/Building Consent from Rotorua District Council.
- Any agreements you make with submitters and/or affected parties.

There are also ongoing costs once consent is granted; for example, monitoring and supervision of your consent.

## Before you start the approval process

Think about sharing an existing structure, or sharing your proposed new structure with others. The lake owners and consent authorities will consider this when looking at your application.

Get an accurate site plan of the proposed lake structure in relation to legal boundaries. This is essential to determine land ownership boundaries, which may be different to where you think they are. You'll most likely need a surveyor to do this accurately.





## How can I cut down the cost?

- Share an existing structure, or join with others to share the new structure.
- Bay of Plenty Regional Council staff give half an hour of guidance free of charge – use it well.
- Hiring a registered professional planning consultancy to help you put together the resource consent application can reduce costs. Money spent here often saves time and money in processing, further information requests, hearings etc.
- Collect as much information as you can on structural detail, assessment of environmental effects, written approvals and possible consent conditions, before lodging the resource consent application. There are significant cost and time savings to be made by ensuring all the information is submitted at the start of the process.

## If your existing structure has no authorisation

If you don't have a resource consent for your existing structure, contact Bay of Plenty Regional Council to discuss the situation.

## Structural maintenance

At this stage, you can maintain your structure within your resource consent conditions, Regional Plan and Rotorua District Plan permitted activity rules, and (if applicable) any lease directives. If you want to extend your structure, you may need to follow the same process as for a new structure. Some maintenance work needs a Building Act consent – check with Rotorua District Council (refer to your consent conditions for more details).

## When buying or selling a property and/or a lake structure

Resource consents and landowner approvals/leases are granted to individuals or entities, not property titles. If you're selling your property, or just selling the lake structure, get a transfer form from Bay of Plenty Regional Council to transfer a resource consent. If you're buying a property with a lake structure, or the lake structure itself, make sure its approval/lease and its resource consent are transferred to your name as part of the sale, and check that the structure complies with its Building Consent and Resource Consent.

This leaflet is designed for general guidance only and should not be solely relied on for specific circumstances.

For general lake structure questions or questions about resource consents, contact Bay of Plenty Regional Council on 0800 884 880.

## Contact information



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