

AUCKLAND REGIONAL COUNCIL

RESOURCE CONSENT

Granted Pursuant to the Resource Management Act 1991

PERMIT NO. 28172 & 28165

CONSENT HOLDER: McCallum Bros Limited

FILE REFERENCE: 16863

CONDITIONS OF CONSENT

Date of Commencement of Consent: 6 September 2006

Duration of Consent: This consent shall expire on **6 September 2020** unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Purpose of Consent: To authorise the extraction of sand, disturbance of the seabed, discharge of excess sea water, shell and sand, and the occupation of the site in accordance with Section 12, and Section 15(1) of the Resource Management Act 1991.

Site Location: 2 specified areas of the nearshore of the Mangawhai – Pakiri embayment, as identified by the below map reference points.

Adjacent Territorial Authority: Rodney District Council

Approximate Map Reference: NZMS 260 R08:

North of Te Arai Point: an area defined by a line drawn between 566637, 568638, 588595, & 591596.

South of Te Arai Point: an area defined by a line drawn between 597578, 600580, 619543, & 621546.

DEFINITIONS:

Council: Means the Auckland Regional Council.

Manager: Means the Group Manager, Consents and Consents Compliance, Auckland Regional Council, or nominated Council staff acting on the Manager's behalf.

SPECIAL CONDITIONS

Exercise of Consent

1. This consent shall be granted for a term of 14 years, commencing from the date the consent is issued.
2. The area of extraction shall be defined as follows:

The extraction area shall be defined as the area whose landward boundary is not less than 100 metres from the crest of the nearshore bar (as measured at the time of extraction), or in the event of such a feature being absent or indistinguishable, shall be defined as being an actual water depth (measured at the time of extraction) of not less than 5 metres. The distance measure shall always take precedence to the depth measure.

The northern limit of the extraction area shall be given by a line connecting the grid references NZMS 260 R08:566 637 and 568638, and the southern limit shall be defined by a line connecting the grid references NZMS 260 R08:619 543 and 621 546. Extraction shall not take place between the area defined by lines connecting grid references NZMS 260 R08:588 595 and 591 596 to the north and NZMS 260 R08:597 578 and 600 580 to the south (i.e. an area extending approximately 500 metres on either side of Te Arai Point). The seaward limit of extraction shall be defined by an actual water depth (measured at the time of extraction) of not more than 10 metres.

3. The maximum extraction of sand in each 12 month period from the commencement of consent shall not exceed 27,000m³.
4. (a) The maximum extraction of sand in any one consecutive 30 day period shall not exceed 7500m³.
- (b) The sand shall be extracted in approximately equal volumes from the four sub-zones in the extraction sites as defined in Figure 1 as attached to this consent.
5. Coarse shell and other marine organisms of more than 50 mm minimum diameter shall be screened from the sand and returned to the seabed at the extraction site.
6. The extraction site shall be moved daily within the available extraction area specified for this consent.
7. Sand extraction should be located so as to minimise the likelihood of marine life being entrained or destroyed, i.e. it should not occur in areas of high species diversity and/or density. If any such areas are encountered during the exercise of this consent, extraction should cease immediately and be re-located to another suitable site. Any area of high species diversity and/or density encountered should be recorded and reported to the Group Manager, Environmental Management, ARC Environment.
8. Any pumping or mechanical equipment used in the process of extracting sand shall be well muffled so as to minimise any detrimental effect the noise may have on adjacent land or recreational users. The noise level shall not exceed 55 dBA, measured as an L10 value on the adjacent coastline. (L10 represents the noise level above which 10% of the values would be exceeded).

9. The consent holder shall not permit or allow any contaminant or material associated with the consent holder's activity to be released into the sea, otherwise than in conformity with this consent. If an incident occurs, the consent holder shall:
- (i) Take immediate steps to ensure mitigation of any adverse effects on the environment of any unforeseen releases.
 - (ii) Proceed with all diligence to take all reasonable steps to remedy the effects of any unforeseen releases.
 - (iii) Notify the Group Manager, Environmental Management, ARC Environment of the release of any contaminant or material within 12 hours of first detection.
 - (iv) If required by the Group Manager, Environmental Management, ARC Environment within 24 hours of the incident occurring provide a written report detailing the nature, manner and cause of the release, the steps taken to remedy or control the release, and measures adopted to prevent any further release of such contaminant or material.

Monitoring

10. The consent holder shall keep a daily record of the volume of sand extracted, the date, time, water depth, and sea conditions at each extraction site. The exact position of each extraction site shall be clearly mapped.
11. The consent holder shall provide to the Group Manager, Environmental Management, ARC Environment a copy of the extraction records and map as detailed in special condition 10. The records and map shall be provided on a three-monthly basis, and must be received within 30 days from the end of the preceding period.
12. The consent holder shall, on request, make available to the Group Manager, Environmental Management, ARC Environment, company records documenting the volume of sand extracted, including wharf unloading records.

Topographic and bathymetric surveys

13. The consent holder shall undertake six monthly topographic surveys (March and September) of the following beach/dune feature from 1km north of existing profile P1 to existing profile P8 at a data point at least every 100m along the beach:
- (a) Dune line (i.e. top of dune face).
 - (b) Seaward dune toe (i.e. major change of slope at dune/beach boundary).
 - (c) High tide or most recent storm run up limit (i.e. berm location).
 - (d) Lowest position possible on the beach (i.e. low tide limit).
 - (e) At the existing 11 profile sites (P1 to P8) a greater concentration of ground points will be surveyed to enable the profiles to be generated along the existing profile lines.
14. Within five years of the commencement of this consent, and at five yearly intervals thereafter, the consent holder shall undertake a full topographic survey of the beach

- and fore dune environment over the area for 250m on either side of each of the eleven profiles.
15. All topographic surveys are to be undertaken by appropriate instruments and methods to provide survey accuracy of 0.5m in the horizontal and 0.2m in the vertical. All data to be provided in NZMS grid co-ordinates and elevation to MSL datum.
 16. Within six months of the commencement of this consent and at three yearly intervals thereafter, the consent holder shall undertake a bathymetric survey of the near-shore area out to 25m depth between the two points located 250m to the north of profile P1 and 250m to the south of profile P8, on the track lines shown in Figure 2.3 in Module 3 of the Mangawhai-Pakiri Sand Study.
 17. The consent holder shall provide topographic and bathymetric survey results to the ARC within two months of survey in a form and with the information reasonably required by the ARC.
 18. Within five years of the commencement of this consent and at five yearly intervals thereafter the consent holder shall provide the ARC with a full report of all survey results obtained within the five year period including the five yearly topographic survey for that period and all three yearly bathymetric surveys over that period. The report shall be in a form approved by the ARC prior to presentation of the report.

Review of conditions of consent

19. Five years after the commencement of this consent, the consent will be reviewed for the purpose of reviewing the adequacy of the conditions of consent following the topographic and bathymetric surveys referred to in conditions 13-18 above.
20. The review will reassess all conditions of consent and primarily consider those conditions which address the following matters:
 - (a) The volume of sand allocated for extraction.
 - (b) The extent and location of the extraction site.
21. One year after the commencement of this consent and at 12 monthly intervals thereafter, the conditions of consent may be reviewed if:
 - (a) If the volume of sand within the beach profile (0 – 3.5m) shows loss at three adjacent profile sites sustained over three consecutive surveys.
 - (b) The excursion distances at +1.0m or +2.0m or +3.5m contours at three adjacent profile sites are all landward over three consecutive surveys.
22. If following a review, any variations to the conditions of consent are recommended, these shall be implemented within 12 months from the date of the review.

Administration


23. The consent holder shall not transfer the whole or any part of the holder's interest in the permit unless the prior written approval of the Group Manager, Environmental Management, ARC Environment is obtained.

24. The servants or agents of ARC Environment shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, tests, measurements or taking samples.

In the context of this consent, property is defined as including all barges and floating plant operating both within and outside of the consent area, and includes unloading facilities and storage areas.

25. The consent holder shall pay to ARC Environment an administrative charge fixed in accordance with Section 36(1) of the Resource Management Act, or any additional charge required pursuant to Section 36 (3) of the same Act, payable in respect of this resource consent.
26. This consent is conditional upon consent holder paying and continuing to pay the contribution due from it towards the costs of the Mangawhai/Pakiri Sand Study, and in the event that it fails to do so for one month from the date on which any such payment is due it shall not extract any further sand pursuant to this consent until all monies due by it in respect of the Sand Study have been paid.

This Consent has been granted by the Auckland Regional Council pursuant to the Resource Management Act 1991.



**Manager
Coastal Consents
Auckland Regional Council**

Date: 03-05-07

This consent was authorised by the Environment Court Decision Number ENV-2006-AKL-000548 (formerly ENV A 0104/05), dated the 6th September 2006.