

Notification report for an application for resource consent under the Resource Management Act 1991

Discretionary activity

1. Application description

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|---------------------|--|--------------|
| Application number: | CST60343373 (Coastal Permit) | |
| Applicant: | Kaipara Limited | |
| Site address: | Auckland Offshore Sand Extraction Site - Coastal Marine Area (Off-shore from Pakiri) | |
| NZTM map reference: | Easting (m) | Northing (m) |
| | 1758081.670 | 5990925.300 |
| | 1756328.790 | 5989464.690 |
| | 1751721.200 | 5994126.250 |
| | 1748945.940 | 5998824.360 |
| | 1747812.500 | 6000863.220 |
| | 1746958.060 | 6002961.330 |
| | 1748380.440 | 6004086.890 |

Auckland Unitary Plan (Operative in part)

| | |
|--|-----------------------------|
| Zoning and precinct: | General Coastal Marine Zone |
| Overlays, controls, special features, designations, etc: | N/A |

2. Locality Plan

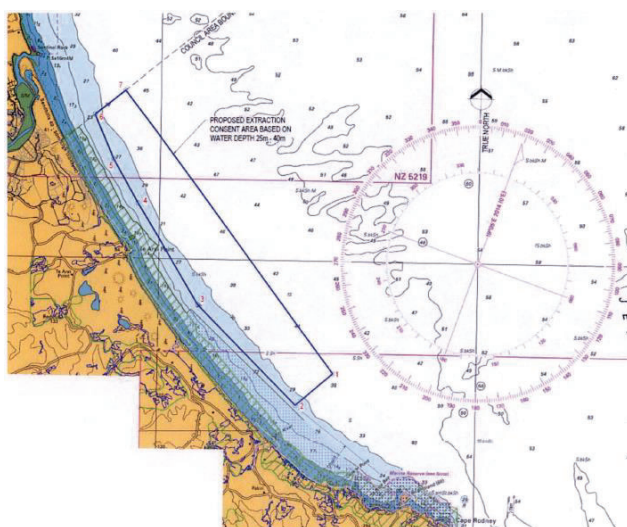
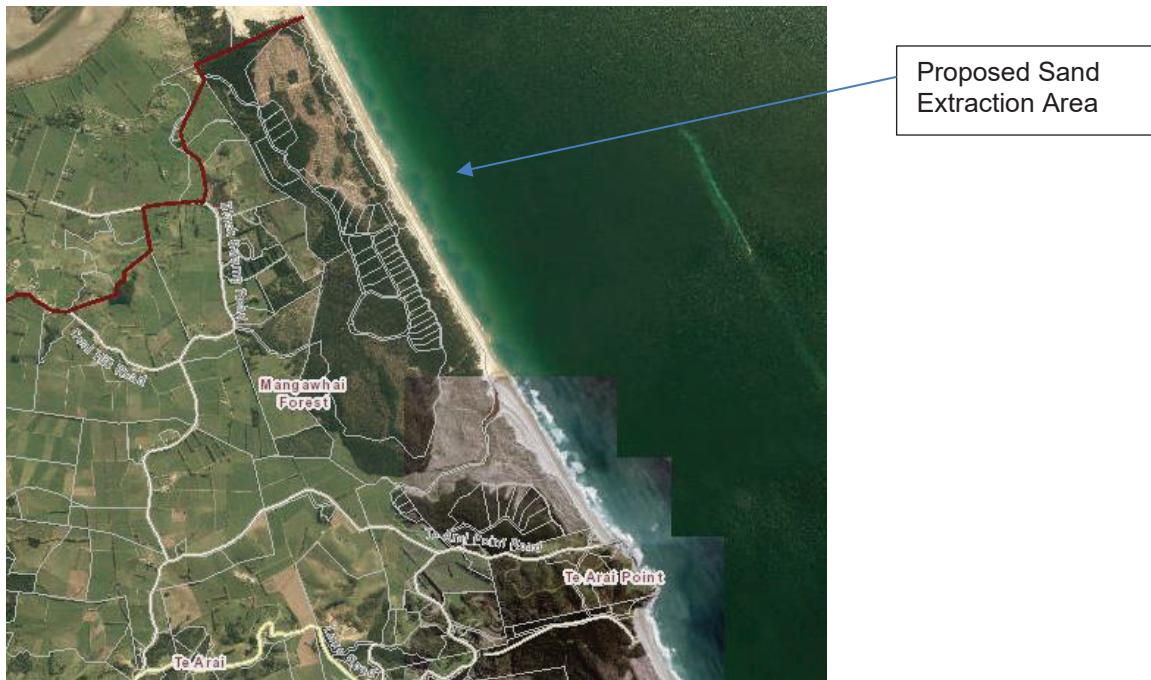


Figure 1: The Proposed Sand Extraction Area (page 7 of the AEE)

CST60343373



Source: Auckland Council GIS

3. The proposal, site and locality description

Proposal

The applicant 'Kaipara Limited', is seeking a 20 year consent for the extraction of up to a total of 2,000,000m³ of sand from the coastal marine area adjoining Te Arai. Whilst consent is being sought to extract 2,000,000m³, the application has been lodged on the basis that extraction rates are limited to 150,000m³ per annum from between the western boundary of the sand extraction area (being the 25m isobath) and the 30m isobath.

Sand is to be extracted from the sea-floor using a trailer suction dredge and on to a barge, before the barge travels to Auckland for the sand to be off-loaded where it is then predominantly to be used in the construction sector.

Site and surrounding environment description

The site is located within the coastal marine area adjacent to the north-eastern boundary of Auckland region. The extraction area is approximately 44km² and the western boundary, closest to the shoreline, closely follows the 25m isobath. The eastern boundary of the extraction area is between 1.2km and 2km from the shoreline. The Leigh Marine Reserve is located approximately 3.8km from the southern boundary of the area.

The western edge of the sand extraction area adjoins the following overlays as identified in the AUP, although noted in the AEE ('Resource Consent Application and Assessment of Effects on the Environment for the Continuation of Sand Extraction', prepared by Osbornehay and dated July 2019), that the activity itself will avoid these:

- Significant Ecological Areas Overlay – SEA-M2-87a, Marine 2

- Outstanding Natural Landscapes Overlay – Area 22. Pakiri Beach
- Outstanding Natural Landscapes Overlay – Area 28, Coastline from Pakiri River to Omaha Cove
- Significant Ecological Areas Overlay – SEA-M1-86a, Marine 1

On the landward side of the sand extraction area is the coastal areas of Pakiri and Te Arai and within Te Arai is a private golf course with rural-residential development within the area referred to as 'Te Arai North' and is subject to precinct provisions in the AUP. Development in this area has occurred recently with most sites created and development occurring on them. Te Arai South is another precinct area which has been going through the consenting process for the development of additional golf courses and rural-residential lots. At present this land is predominantly in forestry yet to be harvested.

I have not undertaken a site visit specifically for this application however I have been involved in the past with developments occurring within Te Arai North and Te Arai South and from undertaking site visits associated with these I am familiar with the general locality.

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialist(s):

- Gemma Hayes, Processing Planner
- Kala Sivaguru, Coastal Ecologist
- Ashishika Sharma, Coastal Processes

Consenting History

Kaipara Limited has an existing permit granted in 2003 (Council reference 20795) for 20 years within the Outer Hauraki Gulf in the vicinity of Pakiri and Little Barrier Island for the:

- Extraction of up to 2,000,000m³ of sand (including shelly gravel lag).
- Discharge of excess sea water, shell and sand associated with dredging.
- Temporary occupation of the coastal marine area while dredging.

The current consent expires in 2023 and the consent being sought as part of this application is to continue the extraction of sand from the seabed, but over a reduced extraction area. The AEE notes that the existing sand extraction area is 636km² compared to the proposed new area of 44km².

5. Reasons for the application

The relevant operative plan and proposed plan provisions

In assessing an application, the relevant provisions requiring consideration are:

- those provisions of the AUP(OP) that are not subject to appeal and are operative;
- those provisions of the AUP(OP) that are identified as subject to appeal and therefore remain proposed plan provisions; and
- the relevant provisions of any plan that remain operative as a consequence of the appeals against certain provisions of the AUP(OP).

The task of identifying the relevant provisions as described above requires individual analysis of the provisions of the AUP(OP) and the relevant appeals, within the context of the specific resource consent application.

In this instance whilst the rule which the application is assessed under is not subject to appeal Plan Change 15 has sought to modify parts of Chapter F2 Coastal – General Coastal Marine Zone, including some objectives and policies. Plan Change 15 is one of a series of plan changes to address technical issues in the AUP. The proposed amendments address technical issues only and retain the current policy direction in the AUP. Therefore, whilst parts of Chapter F2 are subject to appeal the relevant rule is considered operative.

Resource consent is required for the following reasons:

Auckland Unitary Plan (Operative in part)

Regional coastal use (operative plan provisions)

- Under Table F2.19.4 (A28) consent is required as a discretionary activity for coastal marine area disturbance for the purposes of mineral extraction within the ‘General Coastal Marine Zone’.

The reason for consent is considered as a discretionary activity overall.

6. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

Mandatory notification is required as:

- the applicant has requested that the application is publicly notified (s95A(3)(a)) as referred to in email correspondence between the applicant’s planner, Mr David Hay, and Council planner, Ms Shenan Stanton. Furthermore, the Council records show a notification deposit of \$20,000 has been paid.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is required.

It is therefore recommended that this application be processed with public notification.

7. Notification recommendation

Public notification

For the above reasons under section 95A, I recommend that this application is processed on a publicly notified basis.



Nicola Holmes
Principal Specialist - Planning
Resource Consents

Date: 22 April 2020

8. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under section 95A of the RMA this application shall be processed on a publicly notified basis.



Helen McCabe
Team Leader
Resource Consents

Date: 23 April 2020