

Memorandum

To: Siobhan Quayle
Copy to: Richard Johnson
From: [REDACTED]
Date: 5 March 2019
Subject: Minor correction to Coastal Resources Limited marine dumping consent (EEZ100015)

Purpose

1. To seek your approval to issue, under section 84 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), an amended marine dumping consent to Coastal Resources Limited (CRL) to correct a minor error in the co-ordinates of a dumping point as specified in Condition 22 of its marine dumping consent EEZ100015.
2. To seek your approval to a timeframe waiver, under section 159(1)(a) of the EEZ Act, to the 15 working day timeframe for the marine consent authority to issue an amended consent.

Background

3. On 5 February 2019 the Decision-making Committee (DMC) appointed to consider and decide the application for marine dumping consent by CRL granted consent subject to conditions. The decision was publicly released by the EPA on 14 February 2019.
4. On 22 February 2019, CRL requested a minor correction to Condition 22 of the marine dumping consent pursuant to section 84 of the EEZ Act.

Proposed amendment to marine dumping consent

5. Section 84 of the EEZ Act enables a marine consent authority to issue an amended consent to correct minor omissions, errors, or other defects in a consent within 15 working days after the granting of the consent.
6. Condition 22 of CRL's marine dumping consent states:

The location of the dumping point will vary following dumping of up to 250,000 ± 1,000 m³. The Consent Holder must ensure dredged material is dumped within 100 metres of the dumping points as follows (with dumping commencing again at a) once dumping is completed at m)):

Dumped Volume ± 1,000 m³		Dump Point Co-ordinates
a.	0 – 250,000	36° 12.3403' S, 175° 48.002' E (WGS 84)
b.	250,000 – 500,000	(W200) being 36° 12.388' S, 175° 47.880' E (WGS 84)
c.	500,000 – 750,000	(N200) being 36° 12.244' S, 175° 47.945' E (WGS 84)
d.	750,000 – 1,000,000	(E200) being 36° 12.299' S, 175° 48.123' E (WGS 84)
e.	1,000,000 – 1,250,000	(W400) being 36° 12.432' S, 175° 47.759' E (WGS 84)
f.	1,250,000 – 1,500,000	(W400) being 36° 12.432' S, 175° 47.759' E (WGS 84)
g.	1,500,000 – 1,750,000	(NW400) being 36° 12.271' S, 175° 47.750' E (WGS 84)
h.	1,750,000 – 2,000,000	(N400), being 36° 12.146' S, 175° 47.890' E (WGS 84)
i.	2,000,000 – 2,250,000	(NE400), being 36° 12.148' S, 175° 48.091' E (WGS 84)
j.	2,250,000 – 2,500,000	(E400), being 36° 12.253' S, 175° 48.246' E (WGS 84)
k.	2,500,000 – 2,750,000	(SE400), being 36° 12.423' S, 175° 48.249' E (WGS 84)
l.	2,750,000 – 3,000,000	(S400), being 36° 12.539' S, 175° 48.109' E (WGS 84)
m.	3,000,000 – 3,250,000	(SW400), being 36° 12.553' S, 175° 47.904' E (WGS 84)

7. The dump point co-ordinates specified in row 'e' and 'f' of the table contained in Condition 22 are the same. This appears to be a typographical error.

8. The dump point co-ordinates in row 'e' of Condition 22 should read:

e.	1,000,000 – 1,250,000	(S200) being 36° 12.441' S, 175° 48.055' E (WGS 84)
----	-----------------------	---

9. This is consistent with the final version of the proposed draft conditions of consent dated 20 December 2018 provided by CRL.

10. It is therefore recommended that Condition 22 of the marine dumping consent is amended to read:

The location of the dumping point will vary following dumping of up to 250,000 ± 1,000 m³. The Consent Holder must ensure dredged material is dumped within 100 metres of the dumping points as follows (with dumping commencing again at a) once dumping is completed at m):

Dumped Volume ± 1,000 m³		Dump Point Co-ordinates
a.	0 – 250,000	36° 12.3403' S, 175° 48.002' E (WGS 84)
b.	250,000 – 500,000	(W200) being 36° 12.388' S, 175° 47.880' E (WGS 84)
c.	500,000 – 750,000	(N200) being 36° 12.244' S, 175° 47.945' E (WGS 84)
d.	750,000 – 1,000,000	(E200) being 36° 12.299' S, 175° 48.123' E (WGS 84)
e.	1,000,000 – 1,250,000	(W400) being 36° 12.432' S, 175° 47.759' E (WGS 84) (S200) being 36° 12.441' S, 175° 48.055' E (WGS 84)
f.	1,250,000 – 1,500,000	(W400) being 36° 12.432' S, 175° 47.759' E (WGS 84)
g.	1,500,000 – 1,750,000	(NW400) being 36° 12.271' S, 175° 47.750' E (WGS 84)
h.	1,750,000 – 2,000,000	(N400), being 36° 12.146' S, 175° 47.890' E (WGS 84)
i.	2,000,000 – 2,250,000	(NE400), being 36° 12.148' S, 175° 48.091' E (WGS 84)
j.	2,250,000 – 2,500,000	(E400), being 36° 12.253' S, 175° 48.246' E (WGS 84)
k.	2,500,000 – 2,750,000	(SE400), being 36° 12.423' S, 175° 48.249' E (WGS 84)
l.	2,750,000 – 3,000,000	(S400), being 36° 12.539' S, 175° 48.109' E (WGS 84)
m.	3,000,000 – 3,250,000	(SW400), being 36° 12.553' S, 175° 47.904' E (WGS 84)

11. A copy of the amended marine dumping consent reflecting the amendment to Condition 22 will be provided to the applicant, submitters notified, and posted on the EPA website.
12. Hard copies of the amended marine dumping consent will be publicly available at the EPA office in Wellington, Auckland Central Library and Great Barrier Library. Copies of the amended condition will also be provided to the Decision-making Committee, EEZ Compliance team, and others who were notified of the original marine dumping consent decision through electronic service where possible. .

Extension of time limit to issue an amended consent

13. A marine consent authority may issue an amended consent to correct minor omissions, errors or other defects in a consent within 15 working days after the granting of the consent.
14. Fifteen working days after the granting of the consent was 26 February 2019. CRL notified the EPA of the minor error in the marine dumping consent on 22 February 2019.
15. Section 159 of the EEZ Act enables the EPA to extend a time period specified in the Act or in regulations whether or not the time period has expired having taken into account the interests of any person who, in the EPA's opinion, may be directly affected by the extension or waiver, and the interests of the community in being able to achieve an adequate assessment of the potential effects of a proposal, as required by section 160 of the Act.
16. It is considered that it is in the interests of all parties to have an accurate record of the conditions of consent available, especially the co-ordinates where dumping is authorised, and so it is appropriate to extend the timeframe to enable the EPA to process the section 84 application.
17. It is therefore recommended that you exercise your power under s 159(1)(a) of the Act to extend the time period in which to issue an amended marine dumping consent to CRL by 5 working days.

Delegation to exercise the function or power

18. On 3 November 2017, the Chief Executive of the EPA delegated his functions and powers to the General Manager Climate, Land & Oceans to issue under section 84 of the EEZ Act, an amended consent to correct minor mistakes or defects in a consent within 15 working days after the granting of the consent..
19. The Chief Executive has also delegated his functions and powers to the General Manager Climate, Land & Oceans to extend a time period under section 159 (1)(a) of the EEZ Act.

Recommendation

20. It is recommended that you:

a.	Agree to issue an amended marine dumping consent to Coastal Resources Limited to correct a minor error to Condition 22 of EEZ100015 under section 84 of the EEZ Act.	Yes /No
b.	Agree to extend the time period to issue the amended marine dumping pursuant to section 159(1)(a) of the EEZ Act to 5 March 2019.	Yes /No



Signature

Date

28/02/2019