

## **Coastal Resources Ltd Marine Dumping Consent: Submission by the Aotea Great Barrier Local Board**

Proposal number: EEZ100015

### **Executive Summary**

1. The submission is made by the Aotea Great Barrier Local Board on behalf of our community, who object to the application. Our island is the closest community to the proposed dump site and the most likely to be affected.
2. We object to the application in principle as the sea should not be used as a dumpsite for the dredged material, land-based solutions must be found.
3. The application is inconsistent with the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 in that it fails to protect the environment from pollution. The decision maker must favour caution and environmental protection.
4. An adaptive management approach is not available for this marine dumping consent. The decision maker is required to anticipate the effect of an increase of 500 per cent of dumped material per year over a 35-year period and provide conditions and measures to protect the marine environment and the adjacent land over the proposed period of the consent. Favouring caution and protecting the marine environment from pollution can only be done by prohibiting the dumping of the dredged matter at sea and insisting on fully exploring a suitable land-based option. There is adequate time before the current permit expires in 2032.
5. We object to the 500 per cent increase in volume per year from the current permit and the length of the proposed consent over 35 years. The effect of the volume and duration are uncertain and presents indeterminable risks that cannot be foreseen at this stage nor avoided through consent conditions.
6. We object to the increased bio-security risks. Our islands and waters are largely pest free and the dredged material comes from highly infested locations. The measures to prevent infestation do not adequately provide safeguards of catastrophic risks for the environment.
7. We object to the dumping of harmful polluting chemicals and heavy metals as well as inorganic material that will be included in the dredged material that poses a risk to sea and birdlife and to our beaches.
8. We object to the lack of consultation with our community and with mana whenua.

### **We, the Submitters**

9. The submitters are the Aotea Great Barrier Local Board, a local board established under section 10 of the Local Government (Auckland Council) Act 2009.

10. The local board has been established to enable democratic decision making by, and on behalf of, the community of Aotea Great Barrier island and the board makes this submission as democratically elected members on behalf of the residents of the island.
11. The local board has the support of Auckland Council to make this submission.

### **Aotea Great Barrier Island – our home**

12. Aotea Great Barrier Island is the fourth largest island in the main New Zealand archipelago. It forms the eastern side of Auckland's Hauraki Gulf and is separated from the northern tip of the Coromandel Peninsula by the 16 km wide Colville Channel. It is approximately 45 km offshore from the mainland at Leigh, a distance that is approximately bisected by Little Barrier Island (Hauturu) that lies 18 km to the west of Great Barrier. The island is approximately 85 km NE of downtown Auckland.
13. Aotea Great Barrier Island has an area of 285 sq.km and is approximately 35 km long along its main NNW - SSW axis from its northern cape at Aiguilles Island to Cape Barrier in the south. At its widest it is almost 18km from Whakatautuna Point near Harataonga in the east to near Akatarere Point in the west, south of Man of War Passage which forms the southern entrance to Port Fitzroy.
14. It is a rugged island with a mountainous central spine rising to 627m above sea level at Mount Hobson (Hirakimata) approximately in the centre of the island. Geographically it is an extension of Coromandel Peninsula cut off when the Hauraki Gulf was flooded by rising sea levels following the last ice age glacial maximum approximately 20,000 years ago. It is a tectonic landform characterised by steep bluffs and dramatic rock outcrops but with a volcanic influence as seen at the natural hot springs in the Kaitoke Valley. Nearby Little Barrier Island is an extinct andesitic volcano.
15. Most of the centre of the island and all of its northern and southern parts is forested, although these forests were extensively logged for timber in the last decades of the 1800's and the first decades of the 1900's. Extensive areas of the island were also historically cleared for farming but much of this is now reverting to native forest so today farming is largely confined to the floors of the eastern valleys and adjacent slopes.
16. The island's east coast faces the Pacific Ocean and has a number of long curving sandy surf beaches separated by dramatic rocky headlands and coastal cliffs. These beaches reflect the main broad open valleys that face east including Oruawharo Bay (Medlands) in the south, Kaitoke immediately to the north, Awana and Harataonga in the central section of the coast and Okiwi in the north. Okiwi is the largest of these and is dominated by the expansive Whangapoua Harbour, a large shallow estuarine tidal inlet whereas the Kaitoke Valley contains the very large freshwater Kaitoke Swamp wetland.

17. This unspoilt coast is located a mere unobstructed 25km west from the proposed dumpsite.
18. The west coast faces the sheltered Hauraki Gulf and is predominantly rocky. It is punctuated by a number of deep bays and long harbours formed when river valleys were also flooded by rising sea levels since the end of the last ice age. The largest is Port Fitzroy in the north, which is formed of a cluster of inlets guarded by Kaikoura Island and a long northern headland peninsula, and Tryphena in the south which is more open with small sandy beaches at the head of its bays. Blind Bay also has sandy beaches whereas Whangaparapara Harbour is long and narrow. In the north, Katherine Bay is more exposed to the north and west.
19. Aotea Great Barrier Island is currently mostly free of marine pests that are well established in the inner Hauraki Gulf, Waitemata Harbour and the Firth of Thames such as Mediterranean fanworm, Asian paddle crab and Australian droplet tunicate. Minor incursions carried by contaminated boats are quickly dealt with by local officials and resources.
20. As Aotea Great Barrier Island was historically connected to the mainland it has supported native fauna not usually found on islands including native frogs and kokako and because it has been an island since humans settled New Zealand, it is also lacking some introduced species, most noticeably mustelids and Australian brush-tailed possums. The reduced suite of introduced mammalian predators has likely helped a number of rare and threatened species to persist in higher numbers than elsewhere, particularly brown teal and kaka but also nesting seabirds such as black petrel and lizards such as chevron skink. Today the island is the only place in the Auckland region with a permanent human population that does not have possums, goats and mustelids.
21. The island's forests are diverse and historically supported dense kauri forest on the drier ridges. Lush broadleaf forests filled the sheltered valleys with canopies of puriri, kohekohe, karaka and other northern forest species. Dense understory vegetation includes nikau palms that exhibit a trend towards island gigantism with their large trunks. Regenerating forests are today dominated by extensive stands of kanuka with pioneer shrub species gradually increasing the diversity of the vegetation. Fully 88 per cent of the island is now vegetated with bush or regenerating forest.
22. The Department of Conservation has established an Aotea Conservation Park covering nearly 60 per cent of the island and there are other sanctuaries including Glenfern, Windy Hill and Motu Kaikoura.
23. Our beloved island is the magnificent jewel in the crown of the Hauraki Gulf.

## **Our People**

24. Aotea Great Barrier Island is a remote and beautiful island with a diverse, resilient and independent community characterised by heart and grit. It is made up of Ngāti Rehua Ngatiwai ki Aotea people, Māori, pioneer families, hippy settlers, new residents, summer bach owners, and descendants of all these groups. We have 939 permanent residents plus part-time residents with second homes.
25. We have no reticulated water, power or public transport, running our own power, water, septic and drainage systems. We value and protect our way of life. We face unique challenges and are proud of our can-do attitude and innovative approach to living on our island paradise.
26. Our median age is 54 years; 70 per cent of us own our houses and 44 per cent of us live alone. We are bicultural with 90 per cent identifying as European and 18 per cent as Māori. The median fulltime household income is \$31,100 per annum, considerably lower than the Auckland regional median of \$76,500, and lowest across all of Auckland's local boards.
27. We have three primary schools, with children of secondary school age moving to the city for boarding school or enrolling in Te Kura (correspondence school). Our top industries are accommodation, food and construction.
28. The island has a vibrant history of human settlement. Maori are understood to have arrived some 700 years ago and pa sites and records of continuous Maori settlement prior to European arrival in the early 1800s are evident across the whole island. Human enterprise on the island has been described as 'boom-bust' and historically included activities such as whaling, timber-milling, gum digging and copper, silver and gold mining. Many of these endeavours have left significant and long-term ecological impacts.
29. Ngāti Rehua Ngatiwai ki Aotea are mana whenua of Aotea, Hauturu (Little Barrier Island), the Pokohinu Islands (Mokohinau Islands), and other outlying islands and rocky outcrops.

## **Our objections**

### **Granting consent is against the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

30. As an island-based community, surrounded by sea, we do not believe the ocean should ever be a dumping ground for waste. Over the years the international community (and New Zealand) has progressively introduced measures to prohibit or control the more egregious practices, hopefully one day all disposal of waste at sea will be prohibited and the ocean accorded its deserved respect. As humans we should take responsibility for our managing and minimising our waste and not subscribe to a philosophy of "out of sight is

out of mind” for waste. However, we recognise that provision is currently made under legislation for applications for the dumping of waste at sea.

31. The current application for a marine dumping consent does not meet the purpose of Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 under section 10(1)(b) to protect the environment from pollution by regulating or prohibiting the dumping of waste or other matter.
32. The current dumping permit to dump a limited amount of dredged material (50,000 m<sup>3</sup> per year until 2032) on the site 25 km east of our home was granted by Maritime New Zealand under currently defunct legislative provisions (the Maritime Transport Act 1994 and the Maritime Protection Rules), which had different requirements with a different enforcement and monitoring system. Therefore, the current permit does not create a precedent for dumping 500 per cent more material (250,000 m<sup>3</sup> per year over a 35 year period) under different legislation with different requirements, i.e just because dredged wastes are currently dumped at this site does not provide a bias in favour of nor does it set a precedent for a vast amount of additional material to be dumped at the specific site.
33. Unlike mining of a resource located at a specific location, the dumping activity does not have to take place at a specific location – the choice of location is not pre-determined, it is a choice and may take place at any location. In submitting the application, the applicant has wrongly conflated the legislative requirement of protecting the environment from pollution with avoiding, remedying, or mitigating adverse effects through conditions. The first and primary question to be asked is whether there is a better way to protect the environment from harm than dumping the dredged material at sea, for example, can it be managed on land.
34. In deciding on the application, the decision maker must favour caution and environmental protection. The dumping should not be undertaken if it may have serious adverse environmental consequences, even if it is not possible to prove with any degree of uncertainty that these consequences will in fact materialise.
35. An adaptive management approach is not available for this marine dumping consent under the legislation and therefore the decision maker cannot introduce the activity piecemeal by allowing the dumping to be undertaken for a period so that its effects can be assessed and the dumping discontinued, or continued with or without amendment, on the basis of those effects. The decision maker is required to now, in 2018/2019, anticipate the effect of an increase of 500 per cent of dumped material per year over a 35-year period and provide conditions and measures to protect the marine environment and the adjacent land over the proposed period of the consent – when favouring caution, as required by the legislation, this cannot reasonably be done.

36. Favours caution and protecting the marine environment from pollution can only be done by prohibiting the dumping of the dredged matter at sea and insisting on fully exploring a suitable land-based option. The current dumping permit expires in fourteen years (on 31 December 2032), leaving adequate time to comprehensively explore a land-based option and acquiring the necessary resource consent under the Resource Management Act.

### **Objection to increased volume and dispersal of material**

37. According to the applicant, since granting of the current marine dumping permit four and a half years ago (2013 to April 2018) approximately 199,800 m<sup>3</sup> of dredged spoil has been dumped at the site, apparently without any adverse effect being detected by monitoring. However, all monitoring techniques do have their limitations (e.g. detection limits for fine sediments). Also, the monitoring did not take place on the coast of Aotea Great Barrier Island.
38. If the maximum permitted volume (50,000m<sup>3</sup> per year over 20 years) is dumped for the full extent of the current permit 1 million m<sup>3</sup> dredged material will have been dumped.
39. The application is for a 500 per cent per annum increase to 250,000m<sup>3</sup> per year for 35 years; if the maximum consented volume is dumped for the full extent of the application, 8,750,000m<sup>3</sup> of dredged waste will have been dumped.
40. The current lack of noticeable adverse effects over a short four-year period relating to the much smaller amount of waste does not provide reasonable assurance that there will not be severe adverse effects when the much larger volume of material is dumped over a much longer period. Regardless of modelling, there is simply no way to be reasonably certain of the effects. In the absence of an adaptive management approach to adjust the conditions, the consent holder may continue to dump the material provided the consent holder adheres to the conditions set upon approval, years ago. At that stage the conditions will be outdated and compliance measures meaningless in addressing the harm. A current example of a similar situation under the Resource Management Act occurs with the pollution by sediment run-off into the Okura-Long Bay Marine Reserve at Karapiro Bay where adherence by the developer on the adjacent land of outdated resource consent conditions do not prevent irreparable harm to a pristine coastal environment.
41. We also have concerns about the increase in the number of barge loads from 100-130 per year in the current situation to approximately 560 in the future, particularly in relation to operational limits (e.g. material cannot be brought to the site and deposited in rough conditions). Barge operators may be pushed beyond their operational limits to reach the disposal site with a potential

outcome of disposal in waters outside the targeted area, particularly if weather and/or sea conditions unexpectedly deteriorate.

42. No-one can safely say that there will not be any loss of cargo outside the proposed dumping site during any of the 19,660 barge trips over the 35 year duration of the requested consent. The effect of a loss of cargo outside the proposed dumping site will not only be pollution of a pristine environment with commensurate damage to the Hauraki Marine Park.
43. We have concerns that the large volume of material that will be released in the sea will not necessarily sink to the ocean floor but will be dispersed through the water as sediment, discolouring the sea and turning it murky either due to its bulk/concentration or due to wave action during storms. This will affect both the sealife and bird life of the outer Hauraki Gulf and may reach our island.

### **Objection to increased bio-security risks**

44. Currently the coastal waters around our island's coast are largely free of the marine pests such as found at the locations from which the dredged material will be taken. The marine pests of concern are the Australian droplet tunicate (Sandspit marina), Mediterranean fanworm (Hobsonville Point, Hobsonville marina, Half Moon Bay, Pine Harbour) and Asian paddle crab (Sandspit marina, Half Moon Bay). The Australian droplet tunicate was not known to be present in the Auckland region until 2016 when it was first discovered at Waiheke Island. The Mediterranean fanworm and Asian paddle crabs are relatively widespread in the Hauraki Gulf, but the Mediterranean fanworm is not known to be wide-spread on Aotea Great Barrier Island (and when found on the occasional visiting boat is eradicated) and we have no Asian paddle crab.
45. With the massive increase in volume over an extended period of time and the failure to monitor effects on the coast of the adjacent land there is a risk of spreading these species by dumping of dredged material so close to our home. Larvae of the Australian droplet tunicate and Asian paddle crabs may survive the transport to the disposal site, and if they do, they will not necessarily be carried to the deep seabed along with the bulk of the dredge spoil. They can be transported away from the disposal site by tidal currents and may be able to reach the shores of Aotea Great Barrier Island.
46. Due to the massive increase in the volume of the dumped material, the huge increase of the number of barge trips, with associated risks and the longer duration of the keeping the dredged material on land required to ensure living pest organisms do not survive, the proposed measures provide no certainty and the decision maker is urged to favour caution and protect the environment – introduction of these pest species to the outer Gulf will be an unmitigated disaster.

### **Objection to increased pollution risks**

47. While the applicant acknowledges that several exceedances of ANZECC low guideline values were identified as part of pre-disposal sampling at Hobsonville Point (mercury), Hobsonville marina (for copper, tributyl tin compounds), Half Moon Bay (mercury, copper, lead, nickel, tributyl tin compounds), and Pine Harbour (copper) and states that no exceedances of ANZECC ISQ guideline values were identified in the post-disposal monitoring, it is not clear which specific contaminant levels will be used to assess approval of disposal of dredged material at the proposed site.
48. While the values of the dumped material may adhere to the ANZECC ISQG guidelines, it is not clear what the massive 500 per cent increase in the volume of contaminated material will have on the environment. A level of contamination that may at present have no effect due to the lower volume may have an adverse effect due to the sheer increased volume dispersed in a higher concentration at the site.
49. Dredging from the Waitemata Harbour does not just add dangerous chemicals to the environment but also inorganic litter that enters the harbour either through illegal dumping or as water-borne litter following storms. This inorganic matter, particularly plastic flotsam and jetsom, litters city beaches and poses a severe risk to sea and birdlife. The applicant does not propose to remove the inorganic matter from the dredged material and consequently a vast amount will be dumped close to the pristine marine environment of our islands, with harmful effect on the sea and bird life and will be swept onto our beaches, causing a litter problem that is not of our making and that we are unable to avoid or control.

### **Objection to a lack of consultation with our community and the absence of social licence**

50. The applicant has failed to consult our community. No effort has been made to obtain the views of the approximately 939 full-time residents and the part-time residents of Aotea Great Barrier Island. It is staggering that the applicant made no effort to consult with the inhabitants of the closest settlement to the proposed site of the dumping. Our residents only became aware of the current application after the Aotea Great Barrier Local Board advised our community of the application following advice from a representative of the Environmental Protection Agency.
51. Our community objects strongly against the application. The dredging of marinas on the mainland more than 90 km away is not to our benefit as a community but ironically, we as island residents are expected to bear the consequences of the dumping of the spoils close to our home by those who benefit but who risk nothing.

52. Ngati Rehua Ngatiwai ki Aotea Trust are recognised as the authority for Ngati Rehua Ngatiwai ki Aotea who are mana whenua of Aotea, Hauturu, the Pokohinu Islands (Mokohinau Islands), and other outlying islands and rocky outcrops. Although the applicant states that a meeting was held on 8 November 2017 with representatives of Ngati Rehua, no consultation occurred with validly appointed trustees since 21 February 2018.
53. Access to the proposed dumpsite is mostly through the Hauraki Gulf Marine Park, which poses a risk during the transportation of the material through the marine park, as well as posing a risk to the marine park upon dumping of the dredged material. No consultation has taken place with the Hauraki Gulf Forum.
54. The Hauraki Gulf and the Firth of Thames abuts the major population centres of the North Island and these waters are dear to the residents of Auckland, Thames-Coromandel, the Waikato, the Western Bay of Plenty and thousands of recreational users of the Gulf. The applicant has not consulted the public and there is no or little public awareness of the applicant's intentions to transport 250,000m<sup>3</sup> of dredged material per year for 35 years through the Hauraki Gulf and dump it off-shore.
55. We say that the applicant has no social licence to proceed with the proposed consent.
56. Lastly, while the application states that upon approval of the consent, the current permit will be surrendered, the application fails to address the mechanism of surrender.