

**Before a Decision-Making Committee  
Of the Environmental Protection Authority**

**EEZ100015**

**UNDER THE**

Exclusive Economic Zone and Continental Shelf  
(Environmental Effects) Act 2012

**IN THE MATTER OF**

An application by Coastal Resources Limited for  
a marine dumping consent to dump dredged  
material at a location offshore from Great Barrier  
Island.

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**CLOSING COMMENTS ON BEHALF OF  
THE DIRECTOR-GENERAL OF CONSERVATION**

**4 December 2018**

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## **May it please the Committee**

As noted during the planners' evidence today, there are only three matters outstanding.

### *Amount*

In relation to the amount of dredged material that can be dumped each year, the only outstanding issue is the amount. A two year rolling average has been agreed to. You will need to decide if you are convinced by the evidence (including that on behalf of the economists) that the 250,000 cubic metres can be justified and whether it is appropriate to grant one company that amount.

### *Term*

In relation to term of the consent, in my opening submissions I made the point that the EEZ Act states that a term is to be specified for marine dumping, and that the maximum possible is 35 years but that a lesser period is indicated. This is a matter for you to decide.

### *Sediment Plume*

In relation to proposed conditions 5 d) and condition 8B and the sediment plume, The Director-General remains of the view that this is an issue which should e addressed through conditions. The potential impact of sedimentation is an issue raised by those opposed to this application. The benefit of monitoring and verifying the model is to show that there is no adverse effect beyond the boundary. This is not a "suck it and see" adaptive management approach. Instead it confirms what the applicant has said will happen. If there is a breach for whatever reason then there should be a condition against which enforcement action can be taken.

I make the following points:

1. It is notable that Dr Longdill recommended for both the monitoring of, and the application of compliance levels for, the suspended sediment plume.
2. Dr Longdill noted that whereas the monitoring could be applied both within and outside the disposal area, the appropriate location for the

setting of a compliance level would be the boundary of the disposal area. A frequency of approximately one monitoring campaign every 5 years, at a time of peak disposal volumes, was proposed by Dr Longdill as a balance between the logistical effort of the monitoring and the deemed benefits of the monitoring data.

3. Dr Longdill noted that the compliance level at that boundary could be informed from the modelling result, as that has been the information relied upon for the assessment of effects at this hearing. Dr Longdill highlighted that the time period of measurement and model result should be considered when setting such a limit, and that the figure referenced in his evidence was based on a model result, which represented a monthly average value. Since that evidence further model results have become available, including those which represent more instantaneous values.
4. In respect of the plume monitoring, it is also worth remembering that only measured suspended sediment data and plume monitoring available is that of Flaim and de Lange (2011) which was submitted as part of the application. Both Dr Longdill's evidence, along with the Joint Statement of Oceanography Experts, have highlighted limitations associated with those data. It is also notable that during 2011, that plume monitoring report had been subjected to a review by NIWA. That 2011 NIWA review, which was submitted as part of the application for this hearing, concluded the following in respect of sediment plume monitoring:

*“The summary report suggests that no further plume monitoring is required if dredge spoil is disposed at a sea state equating to a Beaufort Scale of 5 or 6 or less. **We disagree** and suggest that the role of stratification in keeping a proportion of disposed sediment in the water column for long periods cannot be ignored. One recommendation would be to examine current velocities from the ADCP surveys, which would be a step towards quantifying the process responsible for sediment entrainment at 100 m. Repeat transects up to 1.5 hours post-disposal with the same alignment would help address the presence or absence of sediment entrainment below the well mixed layer. **Future ADCP transects for monitoring should encompass a low-high-low backscatter. Future monitoring should ensure that a turbidity sensor is added to the Seabird CTD profiler.**” [emphasis added]*

5. No subsequent plume monitoring results have been available since that 2010 survey and the associated NIWA review. Dr Longdill set out his justification for periodic plume measurement campaigns to be required by way of conditions during his appearance before the Committee.

### *Conclusion*

Finally, I would like to thank all parties, the EPA staff and the Decision-making Committee for the positive way this application has been dealt with. The efforts of all parties to try and reach agreed conditions has been appreciated.

B H Arthur  
Counsel for the Director-General of Conservation  
4 December 2018