

ENQ-39574-B3L2P7

Date: 10 September 2020

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Via: ██████████@aucklandcouncil.govt.nz

Official Information Act Request

Dear ██████████

I refer to your request received on Friday 14 August, for the following information:

“information regarding whether the two consent holders (Marina Consultants Ltd and Ports of Auckland Ltd) have utilised the provision in their consents to be able to discharge en-route to the dump site in cases of bad weather, mechanical failure etc. and if it has occurred, information on the date and location.”

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

Ports of Auckland Limited have been granted Marine Dumping Consent EEZ400011 under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to authorise the restricted section 20G activity of dumping dredged material at the Cuvier Disposal Site. No dumping activity has been carried out by Ports of Auckland under Marine Dumping Consent EEZ400011 to date.

Marina Consultants Limited are authorised under Marine Dumping Consent EEZ900012 to undertake the restricted section 20G activity of dumping dredged material at the Northern Dump Area (NDA) under the EEZ Act. I note that the consent was transferred to Marina Consultants Limited from Coastal Resources Limited on 2 June 2020.

Condition 27 of the consent states:

“In the event that, for any reason, emergency or otherwise, material is disposed outside of the authorised Disposal Area, the Permit Holder must notify the Director and the Auckland Harbourmaster within 24 hours. Such notification must include the quantity dumped, the exact location and the date and time the dumping occurred. Such notification must also include an explanation of the reasons for the dumping.”

I wish to clarify that condition 27 does not provide for any dumping (or discharges as mentioned in your request) en-route to the dump site. It requires notification of any such event.

I note that condition 14 of the consent requires that:

“For the entire duration of operations, the Permit Holder must ensure that the barge operator releases all loads of sediment within 100 metres of the precise centre of the authorised Disposal Area being 36° 12.3403' S, 175° 48.002' E (WGS 84).”

This table shows where material was dumped more than 100 metres from the precise centre of the authorised Disposal Area prescribed in EZZ900012. All events listed in the table below occurred when Coastal Resources Limited was the duty holder.

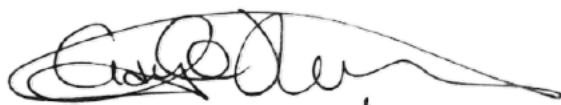
Date	Location
10 May 2016	Dumped 348m ³ of material 154m from centre of disposal site (36°12.424'S 175°48.000'E)
18 May 2016	Dumped 348m ³ of material 140m from centre of disposal site (36°12.327'S 175°48.094'E)
17 June 2016	Dumped 348m ³ of material 249m from the centre of the disposal site (36°12.285'S 175°48.154'E)
23 January 2019	Operator error resulting in a dump of 680m ³ of material 283m from the centre of the disposal site (36°12.456'S 175°47.878'E)
5 February 2019	Technical issue and barge opened outside of the zone resulting in a dump of 600m ³ of material 3403m from the centre of disposal site (36°13.45S 175°46.19E)

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

We will publish your request and our response on our website, www.epa.govt.nz, within 10 working days from today. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely



Gayle Holmes
General Manager
Compliance, Monitoring, and Enforcement