

DEEMED MARINE DUMPING CONSENT EEZ900012

Granted pursuant to the Maritime Transport Act 1994

Amended pursuant to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

PERMIT NO. 568 – amended 18 February 2014

EEZ Deemed consent 900012 amended 07 April 2016

DEFINITIONS:

Authority: means the Environmental Protection Authority, Private Bag 63002, WELLINGTON.

PART A - SCOPE & DURATION OF PERMIT

Permit Holder:	<u>Coastal Resources Limited, PO Box 8, Beachlands, Auckland Marina Consultants Limited¹, 21 Sir Peter Blake Parade, Bayswater, Auckland, 0622, New Zealand</u>
Purpose:	To authorise the disposal, in accordance with Part 180 of the Marine Protection Rules under the Maritime Transport Act (1994), of accumulated sediment and capital dredging sediment by marine dumping to be sourced from marinas and proposed marinas in the Auckland and Waikato region.
Authorised Quantity:	The Permit Holder shall ensure that the maximum volume of sediment discharge shall not exceed: <ul style="list-style-type: none">• Between 2 November 2012 and 2 November 2013 – 15,000 m³• Between 3 November 2013 and 2 November 2014 – 7,800 m³• Between 3 November 2014 and 2 November 2015 – 127,000 m³• From 3 November 2015 – 50,000 m³ per annum for the duration of the permit.
Disposal Site Location:	1,500 m radius circle centred on 36° 12.3403'S and 175° 48.002'E (WGS84 datum).
Date of Commencement:	This permit shall commence on 3 February 2014. It is an amended version of the permit that commenced on 2 November 2012.
Duration:	This permit shall expire on 31 December 2032 unless it has been surrendered or been revoked at an earlier date pursuant to the Maritime Transport Act 1994.
Date or Period of Dumping:	To be advised to the Authority and Auckland Harbourmaster prior to dumping.
Method of Dumping:	Bottom Dump Barge
Identification of Disposal Vessel (either self-powered or towing vessel and barge in the case of a barge containing the dredge spoil):	To be identified during the permit tenure.

¹ Deemed marine dumping consent transferred under section 75 of the EEZ Act. Refer to Schedule 1 of this consent. All references to the original consent holder must be treated as references to the current consent holder.

PART B – CONDITIONS OF PERMIT

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Underlines: text inserted

Definitions:

- a) **ANZECC ISQG-L** means Australian and New Zealand Environment and Conservation Council Interim Sediment Quality Guidelines (ISQG) Low as amended from time to time.
- b) **Director** means the ~~Director of Maritime New Zealand~~ Environmental Protection Authority¹.
- c) **Disposal Area** means a 1500 metre radius circle centred on 36° 12.3403'S and 175° 48.002'E.
- d) **Disposal Monitoring Zone** means a 1,000 metre wide zone surrounding the Disposal Area.
- e) **Disposal Permit** means this disposal permit granted by the Director to ~~Coastal Resources Limited~~ Marina Consultants Limited², which is a marine protection document issued under marine protection rule part 180 and sections 262 and 270 of the Maritime Transport Act 1994. ~~By definition, it is subject to the provisions of the Maritime Transport Act 1994 regarding its revocation, suspension, and/or the imposition of further conditions~~¹.
- f) **Disposal Site Centre** means the point designated by the following longitude and latitude coordinates: 36° 12.3403'S and 175° 48.002'E.
- g) **DSMM Plan** means a disposal site management and monitoring plan.
- h) **Exotic Organism** means any one organism (plant or animal) that is not native in the Source Sites, Disposal Area and/or Disposal Monitoring Zone.
- i) **Form of Acknowledgement** means the provision in writing of the information required in these conditions.
- j) **Guidelines** means the New Zealand Guidelines for Sea Disposal of Waste, which is contained in the Advisory Circular for Part 180 of the Marine Protection Rules, as amended from time to time.
- k) **Minor Adverse Effect** has the same meaning as provided in marine protection rule 180.2 as at the date of issuance of this Disposal Permit.
- l) **New Zealand Action List** means the New Zealand Action List in Table 5 of Part 2 of the New Zealand Guidelines for Sea Disposal of Waste, which is contained in the Advisory Circular for Part 180 of the Marine Protection Rules, as required by Annex 2 of 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (known as the 1996 Protocol), as amended from time to time.
- m) **Permit Holder** means ~~Coastal Resources Limited~~ Marina Consultants Limited³.
- n) **Sampling Site** means any location from which samples are collected for the purposes of compliance with monitoring conditions (pre-disposal and post-disposal).
- o) **Source Site** means a site from which sediment is intended to be sourced for disposal.
- p) **Submarine Exercise Area** means that area by the same name identified on chart NZ531 and the associated New Zealand Notices to Mariners.

¹ As amended by Change of Conditions decision EEZ700001 on 7 April 2016

^{2&3} Deemed marine dumping consent transferred under section 75 of the EEZ Act. Refer to Schedule 1 of this consent. All references to the original consent holder must be treated as references to the current consent holder.

1. In order for the Director to determine the detailed description and characterisation of the waste to be collected for disposal:
 - a) Before any collection occurs from a Source Site, the Permit Holder must complete pre-disposal sampling of sediments for dredging. All pre-disposal sampling must include physical nature, contaminants and biosecurity threats. All pre-disposal sampling for capital dredging must consider dredging depths and the potential for layered contamination.
 - i) The Permit Holder must submit to the Director, for written approval, a Sampling Plan prior to undertaking pre-disposal sampling. The Sampling Plan must include comment regarding sampling for biosecurity threats from Biosecurity New Zealand (or its successor).
 - ii) The Permit Holder must submit the Sampling Results to the Director for approval, before removal of sediment for disposal is permitted. The Sampling Results must include comment regarding biosecurity threats from Biosecurity New Zealand (or its successor).
 - iii) The Permit Holder may remove sediment from that Source Site for dumping only upon the prior written approval by the Director of the Sampling Results.
 - b) The Sampling Results of testing for physical nature and contaminants of the sediment must conform with the limits contained in the New Zealand Action List.
 - c) The process stated in Condition 1(a) above must be repeated:
 - i) For each proposed capital dredging Source Site, at a frequency agreed by the Director in the Sampling Plan, which in any case will be at least once every three years, and
 - ii) For each proposed maintenance dredging Source Site, once every three years, and
 - iii) If an event referred to in Condition 9 below occurs.
2. This permit is conditional upon all vessels being used for disposal operations under this Permit being:
 - a) Fit for Purpose,
 - b) Operated in compliance with the Maritime Rules and Marine Protection Rules, and
 - c) Crewed by persons who are properly qualified to undertake the functions required of them during the operations.
3. Prior to the first occasion on which the Permit Holder proposes to exercise the privileges of this dumping permit, the Permit Holder shall provide a completed DSMM plan to the Director, which shall include:
 - a) An introduction to the project,
 - b) A project description,
 - c) Notification and reporting roles and responsibilities,
 - d) Site management roles and responsibilities,
 - e) Management conditions and practices,
 - f) A description of the requirements for waste characterisation, as reflected in Condition 1(a),
 - g) A monitoring plan including:
 - i) Null hypotheses,
 - ii) Information on the monitoring undertaken to date and information on the weather conditions when monitoring occurred, and
 - iii) Post-disposal monitoring consistent with the monitoring required in Condition 6, including details of the intended analysis of the results.

- h) The names of all contractors providing services to the Permit Holder in respect of the dumping permit;
 - ~~i) The safe ship management manuals and barge safety certificates (or equivalents), for all tugs and towed barges to be used for the proposed operations¹;~~
 - ~~j) The number of crew required to safely manage the operation, the names of the current crew and masters to be used for the proposed operations, and evidence of their qualifications, and¹~~
 - k) The towing plan, including passage plan and operational limits.
4. No activity may be undertaken under this Permit without the Director's prior written approval of the DSMM Plan.
5. All operations under this Dumping Permit must comply with the provisions of the DSMM plan. If the Permit Holder proposes to operate other than in accordance with the DSMM plan, the Permit Holder is required to provide the details of the proposed changes to the Director and obtain the Director's prior approval to the proposed changes.
6. During the entire term of this Permit, the Permit Holder must undertake post-disposal monitoring ("the post-disposal monitoring") of the Disposal Area and Monitoring Zone, in order to assess the extent of environmental impacts. The post-disposal monitoring shall be as follows:
- a) Benthic faunal monitoring to identify any significant effects on the benthos.
 - i) This should be undertaken at a control site, the Disposal Site Centre, and a minimum of four sampling sites equally spaced on the boundary of the Disposal Area.
 - ii) Sampling should include a minimum of three replicates for each sampling site.
 - iii) The Director may require additional sampling sites to be added if:
 - a) any of the contaminant analysis (stated in Condition 6(b) below) identifies sampling sites where contaminants are above ANZECC ISQG-L levels OR
 - b) the difference in sediment chemistry between any one sampling site and the control site is more than 50% of the difference between the control and Disposal Area centre samples (i.e. contaminants are moving from the site centre).
 - iv) The frequency of this monitoring shall be as set out in Condition 6(d) below.
 - b) Contaminant analysis of sediments on axes throughout the Disposal Area with a minimum of 13 sampling sites and a control site included. Monitoring should also be undertaken at four sites midway between the sites on the boundary (i.e. the sites beyond the boundary should be in a NE, SE, SW and NW direction from the site centre) at a distance of 250m beyond the Disposal Area boundary.
 - i) Sites within the Disposal Area should be distributed on axes with incremental distances from the Disposal Site Centre.
 - ii) Contaminant analysis should be undertaken on the top five centimetres of sediment in each core using standardised methods (described in the DSMM Plan) and compared to the ANZECC ISQG-L guidelines (and any future updates).
 - iii) The frequency of this monitoring shall be as set out in Condition 6(d) below.
 - c) Sediment grain size analysis on axes throughout the Disposal Area with a minimum of 13 sampling sites and a control site included. Monitoring should also be undertaken at four sites midway between the sites on the boundary (i.e. the sites beyond the boundary should be in a NE, SE, SW and NW direction from the site centre) at a distance of 250m beyond the Disposal Area boundary.

- i) Sites within the Disposal Area should be distributed on axes with incremental distances from the Disposal Site Centre.
 - ii) Sediment grain size should be undertaken using accepted standardised methods (which must be described in the DSMM Plan).
 - iii) The frequency of this monitoring shall be as set out in Condition 6(d) below.
- d) The Permit Holder shall undertake the specified monitoring and analysis referred to above in Condition 6(a), (b) and (c) on the following occasions or at the following times:
- i) when a cumulative total of 10,000 cubic metres of dredge spoil has been disposed of OR on the two year anniversary of the first disposal, and
 - ii) when a cumulative total of 50,000 cubic metres of dredge spoil has been disposed of OR on the five year anniversary of the first disposal operation, and
 - iii) every 50,000 cubic metres thereafter.
- e) Monitoring for bathymetric changes to the sea floor will be undertaken with equipment capable of achieving MB-2 accuracy or better and will cover the entire control site, Disposal Area and monitoring zone. Monitoring must also include multi-beam acoustic backscatter and/or side-scan sonar to provide an additional measure of the accumulated seafloor sediments. All of the monitoring described in this condition must be undertaken at the periods described in Condition 6(d)(ii) and 6(d)(iii).
7. All post-disposal monitoring results carried out pursuant to Condition 6 above shall be provided to the Director within four months of the event that triggered the monitoring (e.g., the relevant volume or triggering period). Monitoring results must be presented in a written scientific report and results for monitoring under Condition 6(a), (b) and (c) shall include statistical analysis, and a comparison of the results to relevant Guidelines.
- a) Disposal in the four month period after the event that triggered the monitoring (or to the date the monitoring report is submitted and accepted by MNZ if this is prior to the end of this four month period) shall not exceed 50,000m³.
8. Upon the Director's request, the Permit Holder shall allow the Director (or his representative or delegate) to attend in an observer status during the Permit Holder's monitoring surveys. The Permit Holder shall bear the reasonable costs of the Director's attendance.
9. If the Permit Holder becomes aware of any event which would indicate a likely change in the characteristics of the sediments collected for disposal from a Source Site (such as, without limitation, a pollution event, operational activities, or arrival of a vessel compromised with an exotic organism) that could increase levels of contamination or biosecurity risk, the Permit Holder must:
- a) Suspend loading operations from that Source Site immediately upon the Permit Holder becoming aware of such an event.
 - b) Notify the Director of the event by the close of the business day following the Permit Holder becoming aware of such an event.
 - c) For that Source Site, undertake the process set out in Condition 1(a), in order to determine the detailed description and characterisation of the waste to be collected for disposal.
 - d) Not resume loading operations from that Source Site, until the Director provides prior written approval of the Sampling Results, as per Condition 1(a)(iii) above.
10. The disposal activity shall not result in any of the circumstances or events stated in paragraphs (a) to (g) of condition 11.
11. If the Permit Holder becomes aware of any of the circumstances or events in paragraphs (a) to (g) below:

- a) The disposal activity results in, or is likely to result in, an effect on the marine environment that is more than a Minor Adverse Effect (as defined in Marine Protection Rule 180.2),
- b) Contaminants occur in sediments on the Disposal Area or Monitoring Zone at a level in excess of ANZECC ISQG-L,
- c) Sediment size class within a core sample changes by more than 50% by volume compared to the baseline results from the previous permit issued by the Director to the Permit Holder, numbered 555 and dated 22 December 2009 and commencing 24 December 2009,
- d) A significant difference occurs in the biotic communities at any sampling site (relative to natural fluctuations at the control site),
- e) The sediment plume (visually observed or determined through monitoring equipment) drifts beyond the boundary of the Disposal Area,
- f) A risk of spread of an Exotic Organism is identified, or
- g) The material already disposed of is identified as moving towards the site boundary.

the Permit Holder must notify the Director by the close of the business day following the Permit Holder becoming aware of such an event.

12. The Permit Holder shall not source material from a Source Site, or dispose into the Disposal Area:
 - a) Any material which cannot be moved by mechanical means, and
 - b) Any material “pumped”, or mixed with water to produce a slurry.
13. The Permit Holder shall only dispose of material in the Disposal Area by ‘bottom dump’ barge.
14. 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).
15. The Permit Holder must undertake remedial action acceptable to the Director, at its own cost, in the following circumstances:
 - a) If an effect on the marine environment that is more than a Minor Adverse Effect is positively identified by any party as a result of the Disposal Operations. Such remedial action to occur only after the Permit Holder consults with the Director.
 - b) If post-disposal monitoring provides evidence that an Exotic Organism has become established at the Disposal Area and/or Disposal Monitoring Zone, due to disposal activities. Such remedial action to occur only after the Permit Holder consults with Biosecurity New Zealand (or its successor) and the Director.
- ~~16. Prior to any actual disposal, the Permit holder must observe for marine mammals for 30 minutes from within the Disposal Area. No disposal may occur while marine mammals are in the Disposal Area¹.~~
17. During the course of Disposal Operations, the Permit Holder must undertake observation for marine mammals for¹ at least 30 minutes immediately¹ prior to any dumping activity. The observation must be in accordance with the equipment, specifications and processes described in the DSMM plan and approved by the Director. Dumping activity may only occur provided there is no evidence of marine mammals detected using those approved equipment, specifications and processes.
18. At least ten days prior to any scheduled disposal operation, the Permit Holder must notify the New Zealand Defence Force of the scheduled disposal operation to ensure there is no conflict with military use of the Submarine Exercise Area. Should any such conflict rise, the New Zealand Defence Force’s current or intended military use of the Submarine Exercise Area shall take precedence.
19. The Permit Holder shall supply the Director, at any time if requested by the Director, proof in writing that the requirements of Condition 18 have been met.

20. The Permit Holder must ensure any disposal vessel has an active Automatic Identification System fitted and operational throughout the duration of each voyage.
21. The Permit Holder must lodge a passage plan with the Auckland Harbourmaster's office at least 12 hours in advance of planned departure if the proposed passage to be used has not previously been subject to a passage plan submitted to the Auckland Harbourmasters office¹.
22. The Permit Holder must notify, via email, telephone or radio (VHF Channel 12 or 16), the Auckland Harbourmaster's office for every disposal voyage:
 - a) The disposal vessel's time of departure from the Marina before such departure, and
 - b) The disposal vessel's time of arrival at the Disposal Area, and
 - c) The disposal vessel's time of return to the Auckland port precincts.
23. The Permit Holder must maintain written records of the following matters, and provide them to the Director each calendar month in a Form of Acknowledgement, for each individual load of dredged material:
 - a) The Source Site,
 - b) The time and date of all notifications to the Auckland Harbourmaster,
 - c) The actual amount disposed,
 - d) The exact location of disposal determined by GPS,
 - e) The date, time and duration of any disposal,
 - f) The date, time and duration of all monitoring,
 - g) Any observations of marine mammals presence in the Disposal Area, and
 - h) The vessel's daily log book covering the voyages to and from the Disposal Area.

24. At the time of providing the Director with a Form of Acknowledgment, the Permit Holder must also provide the Director with GPS evidence supporting the information required in Condition 23(d), (e) and (f), obtained by a means that is acceptable to the Director.
25. If no collection from a Source Site, or disposal at the Disposal Area, occurred during a calendar month, the Permit Holder must provide to the Director a Form of Acknowledgement stating the same.
26. The Form of Acknowledgement, referred to in conditions within this permit, must be provided to the Director on the 15th day of the month following the calendar month in which the event that triggered the need for the Form of Acknowledgement (eg. a load of dredged material was dumped or a calendar month passed without any dumping) occurred.
27. 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.

Issued by:



Kevin Thompson

EPA Deputy Chairman,



Sarah Gardner

General Manager, Applications and
Assessment

Issued under Delegated Authority from the EPA

Date:

9/4/16

END OF DEEMED MARINE DUMPING DOCUMENT

SCHEDULE 1: CONSENT HOLDER HISTORY

Number	Name of consent holder	Date consent granted or transferred	Observations
1	Coastal Resources Limited	9 April 2016	Consent granted
2	Marina Consultants Limited	2 June 2020	Consent transferred