



*Golf ball sponges at progressively closer distances to the Milford Marina dump site showing the smothering impact of silt. Photos: Roger Grace*

sediment into the waters of the Gulf over 15 years.

After two years of investigation, the port company proposed that this mountain of dredgings should be dumped at a new 400 hectare dump in 30 metre deep water at a site seven kilometres south east of Tiritiri Matangi Island, three kilometres north of the Noises Islands. One month later, in October 1990, the Auckland Regional Water Board heard evidence from the port company and from 26 objectors, including Forest and Bird. The objectors had less than one month and, in some cases only a matter of days, to prepare

their objections. It was hardly surprising that the Regional Water Board, overwhelmed by the weight of the port company's evidence, granted a water right for the disposal of 270,000 cubic metres of wharf dredgings. In a minor victory, objectors requested that the Regional Water Board not hear objections to the second water right application as these capital works dredging were not urgent. The Board compromised and agreed to hear evidence from the port company but deferred hearing objections so that objectors would have more time to prepare evidence.

The conclusions of the Regional Water Board make interesting reading. The Board accepted that the level of risk posed to spawning fish, their eggs and larvae was unknown. They also considered that the port company's evidence was lacking in

regard to the issue of water clarity (turbidity) and the response of fish to the discharge of sediment. In order to allay some of their concerns, the Board imposed a restriction on the months that the port company can dump dredgings. During November to January each year, disposal of sediment will be prohibited because of the unknown level of risk posed to snapper breeding. Only one snapper egg per million survives to adulthood. It is highly probable that a barge load of sediment dumped on top of the spawning ground will not increase their chances of survival.

The decision of the Regional Water Board was subsequently appealed by the New Zealand Underwater Association, Hauraki Maori Trust Board, Auckland City Council and the Maruia Society. In the months that led up to the Planning Tribunal hearing, the port company became increasingly alarmed about delays. Their political scramblings could be heard throughout the city. In May 1991, the new Mayor of Auckland, Les Mills, met with the port company and then persuaded Councillors to overturn their earlier decision and withdraw the Council's appeal.

A process of attrition then followed with the Hauraki Maori Trust Board being denied appellant status and the Maruia Society withdrawing from the case. The weight of the appeal fell on the NZ Underwater Association, represented by Max Hetherington, a recreational diver from Wellington with a love of Auckland's Gulf, and the Hauraki Maori Trust Board, re-entering the case as an interested party. The appeal was heard before the Planning Tribunal in July – August but the Tribunal had not released its findings at the time of writing.

### On-site impacts

The most immediate and devastating impact of sediment dumping would be felt by the marine life found at the dumpsite. The surface of the proposed site is fine, silty mud and is marked and sculptured by animal burrows and tracks, indicating the presence of abundant benthic (bottom dwelling) life. Dense populations of brittle stars and heart urchins are found at the site and nearby are large beds of scallops. When sediment is dumped at the site, most benthic life will be killed. Dredgings smother marine life on the sea floor, creating a virtual marine desert. Any

## The dumping process

**S**INCE 1974, dual consents have been required for anyone wanting to dump material at sea. Any applicant wanting to dump sediment requires a water right issued by the Regional Water Board, and an annual permit issued by the Minister of Transport under the Marine Pollution Act 1974.

Under Section 21 of the Water and Soil Conservation Act, the Regional Water Board must consider discharges into natural waters including the territorial sea out to the 12 mile limit. However, not all Regional Councils throughout New Zealand enforce this requirement. Many Councils just accept a dumping permit as issued by the Ministry of Transport.

Additional controls on dumping were added to the Marine Pollution Act in 1980 so that New Zealand could ratify the London Dumping Convention. Section 24 of the Act outlines an extensive list of matters the Ministry of Transport have to take into account when an application is considered. These include the characteristics and composition of the material being disposed, the characteristics of the dump site and method of disposal,

and the possible effect on amenities, marine life and other uses of the sea. This section of the Act also requires consideration of the practical availability of alternative land-based methods of treatment and disposal. Historically, the Ministry of Transport have tended to rubber stamp applications for marine dumping permits as there are no provisions for public input or any external assessments.

In 1989, the Parliamentary Commissioner for the Environment was asked to investigate the marine dumping of sediment at Paihia. Her recommendations state that the Ministry of Transport should not issue a permit for dumping until it is satisfied that the "practical availability" of land-based options has been adequately considered. The Commissioner also recommended that Regional Councils should take into account all the criteria in Section 24 of the Marine Pollution Act. Under the new Resource Management Act, Regional Councils will be able to issue resource consents permitting dumping as of right where the Regional Coastal Plan allows dumping to occur.