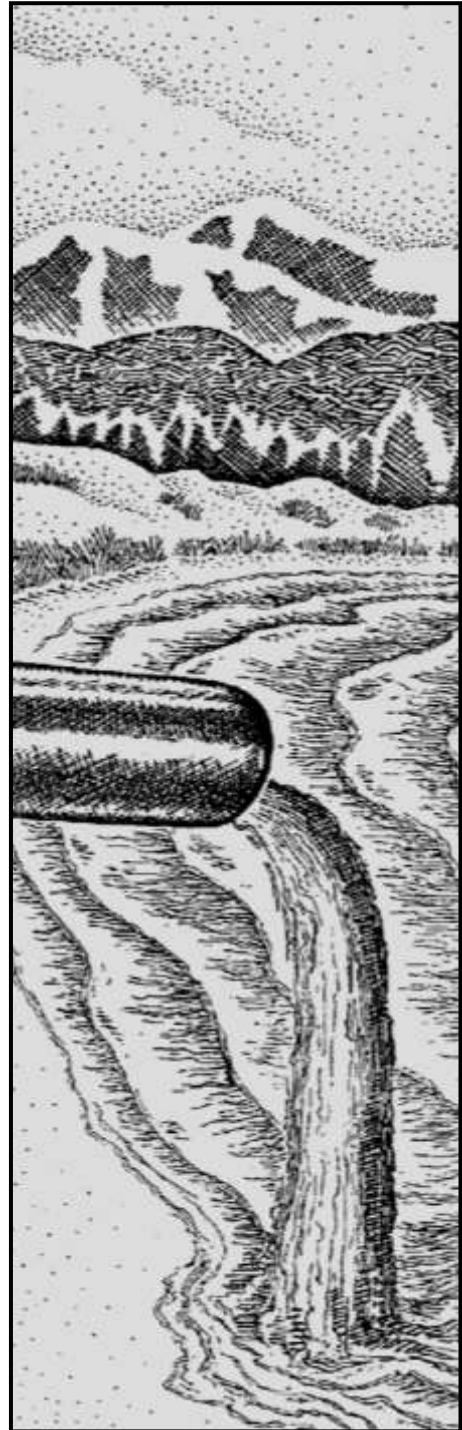


10

Discharges



10.1 Introduction

A high standard of coastal water quality is an important element in the sustainable management of Otago's coastal marine area. That water quality can be affected by the adverse effects associated with the discharges of contaminants resulting from activities within and adjacent to the coastal area.

There are two main types of discharges that can affect water quality. These are generally called point and non-point source discharges. Point source discharges are those discharges that discharge through a pipe or recognisable and definitive point. Non-point source discharges are those discharges that enter a water body from a diffuse source, such as land runoff. For many areas of Otago's coastal water, non-point source discharges are thought to introduce a greater contaminant loading than do point source discharges.

The Regional Plan: Coast for Otago can only deal with the discharges from point sources in the coastal marine area that require a consent. Non-point source discharges and the discharge of contaminants into or onto areas outside of the coastal marine area are dealt with by the Regional Plan: Waste (operative 11 April 1997), and the Regional Plan: Water (notified 28 February 1998). All air discharges, including those in the coastal marine area, are controlled through the Regional Plan: Air (notified 28 February 1998).

When considering water quality issues, and the discharges and activities that affect that quality, this Plan focuses on the effects of those discharges on the receiving environment. The maintenance and enhancement of water quality is required by the Act (Section 69(3)) subject to providing for a mixing zone.

As well as the discharge of water and contaminants carried within water, there is also the discharge or disposal of litter which affects the coastal marine area. Plastic strapping, glass, discarded nets and other material all have the potential to wash up onto Otago's beaches, to catch and ensnare marine wildlife, and to lessen the aesthetic and visual values associated with Otago's coastal marine area.

10.1.1 Discharges from ships

The Otago Regional Council is very concerned about the significant adverse effects associated with discharges from ships of ballast water, garbage, fuel oil and other contaminants.

Because discharges from ships and offshore installations are a national issue, Sections 15A, 15B and 15C have been added to the Act and the Resource Management (Marine Pollution) Regulations 1998 have been made.

A brief summary of these provisions is set out below.

Section 15A prohibits the dumping of waste and other matter in the coastal marine area without a resource consent. Under Section 15B the discharge of harmful substances or contaminants from a ship or offshore installation is prohibited unless either:

- (a) The discharge is permitted or controlled by regulations, a rule in a regional plan, proposed plan, or a resource consent; or
- (b) After reasonable mixing, the harmful substance or contaminants is not likely to cause:
 - (i) the production of any conspicuous oil or grease films, scums, or foams or floatable or suspended materials; or
 - (ii) any conspicuous change of colour or visual clarity; or
 - (iii) any emission of objectionable odour; or
 - (iv) any significant adverse effects on aquatic life.

Section 15C prohibits the discharge of radioactive waste, other radioactive matter, or toxic or hazardous waste.

The Resource Management (Marine Pollution) Regulations prohibit the discharge of plastics, dunnage, lining, and packaging materials from ships. They permit, in specified circumstances and on specified conditions, discharges from ships to avoid, remedy or mitigate the adverse effects of oil spills and the discharge from ships of small quantities of oil, noxious liquid substances, sewage, treated sewage, clean and segregated ballast water and ship garbage. Discharges which are part of the normal operation of a ship are also permitted. Except for the discharge of sewage, the discharges governed by the regulations cannot be the subject of a rule in a regional coastal plan.

Because the Act and Regulations control discharges from ships, there are no rules in this Plan for controlling discharges from ships. This chapter must be read in conjunction with both the Regulations and Sections 15A, 15B and 15C of the Act. These provisions are only summarised here and are liable to change. References should be made to the full text of both the Act and Regulations.

The Biosecurity Act 1993 is used to prevent and control the release of foreign organisms in ballast water discharged from ships or offshore installations.

10.2 Issues

10.2.1 Some discharges and disposal practices cause cultural concern.

Explanation

The discharge of sewage, stormwater and non point source effluent, and discharges from shipping to the coastal waters and burials at sea can be injurious to the cultural and spiritual values of Kai Tahu.

Objectives 10.3.1 to 10.3.6

Policies 10.4.1 to 10.4.12

10.2.2 Discharges into Otago's coastal marine area can exceed the assimilative capacity of particular areas and reduce the life-supporting capacity of coastal waters.

Explanation

The ability of a particular area of the coastal marine area to absorb the adverse effects associated with a discharge is largely determined by its assimilative capacity. That capacity will vary depending on the location of the area, the amount of water available for mixing, and the speed at which the water is exchanged through tidal flushing or water currents. An area of open coast with strong tidal flows will have a greater assimilative capacity than an enclosed bay with limited tidal flush and with shallow water. The assimilative capacity is also affected by the nature and size of the discharge, and the contaminants that it contains. For example, substances such as heavy metals are harder to assimilate than are naturally occurring nutrients and they can create long term effects on the overall health of the coastal ecosystem. Some substances may have direct toxic effects on ecological communities while others may build up in food chains and lead to bioaccumulation or biomagnification. Assimilative capacity is also affected by the degree to which contaminants are bound up into the sediments of the area. Contaminants can be bound into sediments which are then released back into the environment over a long time frame. Discharges of substances can include contaminants such as chemicals, sediments, heavy metals, nutrients, herbicides, and pesticides into Otago's coastal marine area. These contaminants can adversely affect the ability of coastal water to support the biological communities found within the coastal marine area.

Objectives 10.3.1 to 10.3.6

Policies 10.4.1 to 10.4.12

10.2.3 Discharges into Otago's coastal marine area can affect people's health and result in decreased recreational and commercial opportunities for Otago's citizens.

Explanation

Contamination can result in waters being unsuitable for bathing and other forms of contact recreation, thus lessening the opportunity for people to enjoy those waters. While the assimilative capacity of the ocean may be able to cope with discharges in general, there can be instances of local contamination from discharge points that directly affect areas of high recreational interest and use. There is a danger of disease from chemical, pathogen, bacterial or viral contamination from such contaminant sources. Decreased water quality can also lessen the opportunities for the undertaking of commercial ventures which are based on having good water quality. Poor coastal water quality will not provide for the economic, social or cultural needs of Otago's communities. Coastal water contamination can also affect the gathering of shellfish and other marine resources. There is concern within Otago over the contamination of shellfish resources and the constraints that this places on both recreational and commercial collecting of that shellfish.

Objectives 10.3.1 to 10.3.6

Policies 10.4.1 to 10.4.12

10.2.4 Accidental spills of contaminants into Otago's coastal marine area can have a significant adverse effect on the natural and physical resources of the coast.

Explanation

Whenever hazardous substances or other contaminants are used, transported or stored, there is a risk of an accidental spill. The effects of a spill in the coastal marine area could be devastating because of the sensitivity of some marine ecosystems, the recreational, cultural and commercial values which could be damaged, the difficulty in containing the effects of a spill, and the difficulty in treating or removing the contaminant.

Objectives 10.3.3, 10.3.6

Policies 10.4.9, 10.4.10, 10.4.11, 10.4.12

10.2.5 The discharge of contaminants into Otago's coastal marine area may, in some cases, have greater adverse effect on the coastal environment than a discharge to other receiving environments.

Explanation

When assessing an individual discharge, an assessment of the adverse effects associated with that discharge to areas other than the coastal marine area should be undertaken. In ensuring the sustainable management of the region's natural and physical resources, the alternatives to discharge to the coastal marine area have to be assessed relative to the adverse effects if that discharge was to the coastal marine area. The discharge with the least adverse effect may better meet the sustainable management requirements of the Act.

Objectives 10.3.1 to 10.3.5

Policies 10.4.1, 10.4.7

10.2.6 There is a lack of knowledge about the current state of Otago's coastal water quality.

Explanation

Monitoring of Otago's coastal waters has in the past been limited to a small number of sites. These have typically been around some of the higher use areas of Otago's coastal marine area or around specific discharge points. The available information on coastal water quality is limited because of this.

Objectives 10.3.1 to 10.3.5

Policies 10.4.1, 10.4.2, 10.4.3, 10.4.5, 10.4.6, 10.4.7

10.3 Objectives

10.3.1 To seek to maintain existing water quality within Otago's coastal marine area and to seek to achieve water quality within the coastal marine area that is, at a minimum, suitable for contact recreation and the eating of shellfish within 10 years of the date of approval of this plan.

Principal reasons for adopting

A long term strategy is needed for the management of Otago's coastal waters. Due to a lack of information, it is not possible to introduce water quality classes within Otago's coastal marine area at this time. While there is insufficient information on which to base water quality classes for Otago's coastal waters at the time of notification of this Regional Plan: Coast for Otago, this objective aims to ensure that information is collected, and approaches are adopted in order that water classes can be established, and where water quality is degraded, that it will be improved to a standard suitable for contact recreation and the collection and consumption of shellfish.

Policies 10.4.1 to 10.4.12

Other Objectives 5.3.1, 7.3.1, 8.3.1, 11.3.1

10.3.2 To take into account community, cultural and biological values associated with Otago's coastal marine area when considering the discharge of contaminants into Otago's coastal waters.

Principal reasons for adopting

The discharge of contaminants can adversely affect community, cultural and biological values associated with the coastal water body which receives the discharge. Those values must be taken into account if the consent authority is to sustainably manage Otago's coastal marine area.

Policies 10.4.1, 10.4.2, 10.4.4, 10.4.5, 10.4.6, 10.4.7

Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 11.3.2

10.3.3 To safeguard the life-supporting capacity of Otago's coastal marine area.

Principal reasons for adopting

The life-supporting capacity of the coastal marine area is important to Otago's communities which variously derive economic, social and cultural rewards from having healthy and diverse ecological systems. The life-supporting capacity of Otago's coastal ecosystems is dependent on their continuing health and diversity. Objective 8.4.2 of the Regional Policy Statement for Otago requires that the health and diversity of Otago's existing coastal ecology is maintained and enhanced.

Policies 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.7, 10.4.8, 10.4.9, 10.4.12

Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 11.3.1

- 10.3.4 To enhance water quality in:**
- (a) Coastal protection areas; and**
 - (b) Coastal recreation areas; and**
 - (c) Areas adjacent to marine mammal or bird sites; and**
 - (d) Areas where there is a direct discharge containing human sewage; and**
 - (e) Areas where there is a direct discharge of wastes from commercial, industrial or production activities.**

Principal reasons for adopting

Within this Plan, the coastal protection areas, coastal recreation areas and marine mammal and bird sites identify the values considered to be particularly important. Areas receiving a direct discharge of wastes from commercial, industrial or production activities also need to be included in the same framework because of the potential for adverse effects to be similar in nature, extent and severity to the matters contained in (a) to (e).

Policies 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.6

Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 9.3.1, 11.3.1

- 10.3.5 To consider the adverse effects associated with a discharge of contaminants to the coastal marine area relative to the adverse effects associated with the discharge of the same material to other receiving environments.**

Principal reasons for adopting

In some circumstances the discharge of contaminants into coastal waters can have a greater adverse effect than the same discharge to other receiving environments. The relative adverse effects need to be taken into account when considering discharges of material to the coastal marine area. Pursuant to the sustainable management requirements of the Act (Section 5), an assessment of the adverse effects would also require an assessment of the costs and benefits associated with the discharge in terms of the ability of Otago's communities to be able to meet their social, economic and cultural needs while providing for their health and safety.

Policies 10.4.7, 10.4.11, 10.4.12

Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 9.3.1, 11.3.1

- 10.3.6 To reduce the potential for spills or leakages of hazardous substances and hazardous wastes into the coastal marine area.**

Principal reasons for adopting

The storage, use or transportation of hazardous substances and hazardous wastes within the coastal marine area has the potential to have significant adverse effects on marine ecosystems and values associated with the coastal marine area if there are spills or leakages. It is therefore important that the mechanisms are set in place to reduce the potential for spills or leakages.

Policies 10.4.9, 10.4.10, 10.4.11, 10.4.12

Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.1, 8.3.2, 8.3.3, 8.3.4, 11.3.1

10.4 Policies

10.4.1 In order that any proposed discharge, into the coastal marine area that will, or is likely to, have an adverse effect on cultural values, can be identified by kaitiaki runanga, Kai Tahu will be:

- (a) **Treated as an affected party for non-notified resource consent applications to discharge water or contaminants into areas, or adjacent to such areas, identified in Schedules 2 and 3 of this Plan as having cultural or spiritual values to Kai Tahu; and be**
- (b) **Notified about notified resource consent applications to discharge water or contaminants into the coastal marine area.**

Explanation

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each such application in respect of their coastal domain and recognises the kaitiaki role that runanga have over the tai whenua (coastal area). Where resource consent applications are received for areas within, or adjacent to any area identified in Schedules 2 and 3 of this Plan as having Kai Tahu spiritual or cultural values, the kaitiaki runanga will be treated as an affected party and their written approval will be required, in accordance with Section 94 of the Act.

Principal reasons for adopting

The use of consultation to address Kai Tahu values that were not identified within the coastal protection area of this Plan is seen by iwi as being the most appropriate way to recognise and protect the cultural relationship that Kai Tahu hold with the tai whenua (coastal domain). Waahi tapu or waahi taoka values applicable to any site or area can be established through consultation. Such sites underpin the cultural relationship and identity to the coastal resource of a particular runanga. Section 8 of the Act requires that the Otago Regional Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6

Other Methods 10.6.1, 10.6.3, 10.6.5

Other Policies 5.4.1, 5.4.2, 5.4.4, 5.4.9, 8.4.1, 8.4.6

10.4.2 For activities involving the discharge of water or contaminants, priority will be given to avoiding adverse effects on values associated with any area identified in Schedules 2 and 3 of this Plan as being a coastal protection area, a coastal recreation area, an area of outstanding natural features and landscapes or an area important to marine mammals or birds.

Explanation

The discharge of water or contaminants can adversely affect the values identified in Schedules 2 and 3 of this Plan as a result of the possible lowering of water quality in the area.

Principal reasons for adopting

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment. The features identified form part of the natural character of Otago's coastal marine area and regionally important recreational areas.

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6

Other Methods 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5

Other Policies 5.4.1, 5.4.2, 5.4.4, 5.4.5, 5.4.6, 5.4.7, 5.4.9, 6.4.3, 6.4.4, 7.4.1, 7.4.5, 8.4.2, 8.4.6, 9.4.7, 9.4.8

10.4.3 To restrict the discharge of contaminants into Otago's coastal marine area where that discharge would result in a lowering of the existing water quality in the receiving waters:

- (a) **After reasonable mixing; and**
- (b) **After disregarding any natural processes that may affect the receiving waters.**

Explanation

Within Otago's coastal marine area, the consideration of consents will be set within a policy framework that seeks to achieve water quality of a standard at least suitable for contact recreation and shellfish gathering purposes within a 10 year period. In some areas, coastal water quality presently exceeds such a standard. In such areas, water quality should not be degraded beyond the limits of a mixing zone associated with each discharge. The third schedule water quality classes, as contained in the Act, and any other relevant standards or guidelines, will be had regard to when considering the water quality of any particular coastal water body.

Principal reasons for adopting

Section 69(3) of the Act provides that a regional council shall not set standards in a plan which would result in a reduction in the quality of water, unless it is consistent with the purposes of the Act to do so. Policy 8.5.6 of the Regional Policy Statement for Otago requires that water quality be maintained and enhanced.

Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6

Other Methods 10.6.1, 10.6.3, 10.6.4, 10.6.5

Other Policies 5.4.1, 5.4.2, 5.4.8, 7.4.1, 7.4.5, 8.4.6, 9.4.6, 9.4.7, 14.4.2

10.4.4 To require an effective mixing zone for discharges of water or contaminants into the coastal marine area which takes account of:

- (a) **The sensitivity of the receiving environment; and**
- (b) **The particular discharge, including contaminant type, concentration, and volume; and**
- (c) **The physical processes acting on the area of discharge; and**
- (d) **The community uses and values associated with the area affected by the discharge; and**
- (e) **The ecological values associated with the area.**

Explanation

Discharges into the coastal marine area result in localised contamination of the waters immediately surrounding the discharge point. A mixing zone is the zone outside of which the contaminant levels of the receiving waters must be at the background values again. The size of the mixing zone will be determined on the basis of the values identified above.

Principal reasons for adopting

Every discharge results in a degradation of the receiving waters. A mixing zone is necessary in order to be able to allow discharges, while taking account of values and the ability of the receiving waters to assimilate those discharges.

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6

Other Methods 10.6.4, 10.6.5

Other Policies 5.4.1, 5.4.5, 5.4.8, 6.4.2, 6.4.5, 7.4.1, 8.4.6, 9.4.6, 14.4.2

- 10.4.5 To not include intertidal areas within the mixing zones of particular discharges unless the discharge is treated so as to reduce the contaminant loading to an extent that any adverse effects on any intertidal areas can be shown to be minor.**

Explanation

Intertidal areas are the areas of land between mean high water springs and mean low water springs. They can be quite ecologically sensitive areas and will not be included within the mixing zones of discharges unless it can be shown that any adverse effects are minor.

Principal reasons for adopting

Intertidal areas, because they are the habitat for a wide range of species, are the most susceptible areas to the adverse effects of contaminant discharges.

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6

Other Policies 5.4.8, 8.4.6, 9.4.6

- 10.4.6 To restrict the discharge of human sewage or wastes into any marine reserve, taiapure or mahinga mataitai area where that discharge would adversely affect the values associated with the area.**

Explanation

Marine reserves are reserves established under the Marine Reserves Act and are based on the preservation of areas for scientific purposes. Taiapure, and mahinga mataitai are areas established under the Fisheries Act for customary Maori cultural reasons. The restriction of discharges into those areas recognises the important values which have been identified through the process of establishing the reserve, taiapure, or mahinga mataitai, and which are provided for by the respective Acts.

Principal reasons for adopting

This policy recognises the importance of the values that have been recognised in the creation of any marine reserve, taiapure or mahinga

mataitai area, and restricts the discharge of contaminants that would adversely affect those values

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6

Other Policies 5.4.8, 5.4.9, 7.4.1, 7.4.5, 8.4.6

10.4.7 The discharge of a contaminant (either by itself or in combination with other discharges) into the coastal marine area will only be allowed where:

- (a) **It can be shown that the adverse effects of the discharge to any area, other than the coastal marine area, would create greater adverse effect than the discharge to the coastal marine area; or**
- (b) **There are no practicable alternatives to the discharge occurring to the coastal marine area; and**
- (c) **The discharge is of a standard which will achieve a water quality suitable for contact recreation and shellfish gathering within ten years of approving this Plan.**

Explanation

Alternatives to discharging into the coastal marine area will need to be investigated and assessed before any discharge will be allowed to occur. The costs and benefits of discharging to different receiving environments in each case should be considered and, where practicable, the alternative with the least adverse effect chosen. These costs and benefits include an assessment of the financial and technological constraints of the available options.

Principal reasons for adopting

Within Otago, all discharges into the coastal marine area will be required to consider alternatives because of the potential adverse effects associated with those discharges. Policy 8.5.6 of the Regional Policy Statement for Otago promotes a reduction in the adverse effects of contaminants discharged to the coastal marine area. This will be achieved after considering financial and technical constraints in order to meet the social, economic, and cultural needs of Otago's communities.

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6

Other Policies 5.4.1, 5.4.2, 5.4.6, 5.4.8

10.4.8 To reduce the discharge of sewage and garbage from ships into the coastal marine area.

Explanation

Ports and marinas will be required to provide for the collection of garbage from ships using those facilities. All new ports and marinas will be required to provide adequate and convenient facilities to collect sewage from ships. Encouraging the discharge of sewage and garbage into shore based facilities is aimed at reducing the amount of material coming from ships which finds its way into the coastal marine area. Because the Act and Regulations control discharges from ships, there are no rules in the Plan for controlling discharges from ships. Sections 15A, 15B and 15C of the Act and the Resource Management (Marine Pollution) Regulations 1998 have been introduced to

achieve national consistency and give effect to New Zealand's international obligations on the control of discharges from ships and offshore installations. The Regulations presently allow the discharge, on specified conditions, of sewage and treated sewage from both ships and offshore installations, and garbage from ships. Compliance with the Regulations will reduce sewage and garbage discharges. The Otago Regional Council will continue to advocate for tight controls on operational discharges from ships and offshore installations to Otago's coastal marine area.

Principal reasons for adopting *[Repealed]*

Rules 10.5.1, 10.5.6

Other Methods 10.6.3, 10.6.6

Other Policies 8.4.6, 9.4.3

10.4.9 To mitigate the adverse effects associated with the accidental spill, into or within Otago's coastal marine area, of contaminants harmful or hazardous to marine ecosystems and community values.

Explanation

The accidental spill of any contaminant that may result in adverse effects to marine ecosystems and community values will be mitigated by the clean up and dispersal of the spilled contaminant.

Principal reasons for adopting

The accidental spill of contaminants, such as oil and other hazardous substances, into and within the coastal marine area can have significant adverse effects on marine ecosystems and values associated with the coastal marine area. The mitigation of such a spill through the containment of the material and where appropriate, its clean up and dispersal from the coastal marine area will help reduce its potential adverse effect on marine ecosystems, and the recreational, cultural and commercial values associated with the area of the spill.

Other Method 10.6.2

Other Policies 5.4.2, 5.4.6, 5.4.8, 6.4.5

10.4.10 To not allow the storage, use or transportation of nuclear material, other than nuclear material used for medical or research purposes, or the disposal of any nuclear material, or the storage or use of hazardous wastes, within Otago's coastal marine area.

Explanation

The storage of hazardous waste is prohibited within the coastal marine area. The passage of ships armed or powered by nuclear material or the passage of ships carrying nuclear material for use in nuclear power plants or weapons is prohibited. The movement of nuclear wastes originating from areas outside of New Zealand (transshipment), through any port of Otago is prohibited.

Principal reasons for adopting

Policy 8.5.10 of the Regional Policy Statement for Otago prohibits the passage of nuclear armed or powered ships, ships carrying nuclear material for use in nuclear power plants or weapons, or ships carrying nuclear wastes within Otago's coastal marine area. Prohibiting the matters identified in this policy is in recognition of the potentially significant adverse effects resulting from any accident associated with hazardous waste and nuclear material. This policy aims to avoid any adverse effect resulting from such activities within Otago's coastal marine area.

Rule 10.5.5

Other Policies 5.4.1, 5.4.2, 8.4.3, 9.4.3

- 10.4.11 The storage of contaminants, including hazardous substances, within the coastal marine area, that have the potential to create adverse effects on the coastal marine area will be discouraged and will only be considered where appropriate safety measures and contingency plans have been developed to avoid, remedy or mitigate any adverse effect.**

Explanation

The storage of hazardous substances within the coastal marine area can lead to significant adverse effects as a result of the potential for leakage and spills. The storage of such materials, especially those not required for operations in the coastal marine area, will be discouraged in order to reduce the potential for adverse effect. In some cases there are no alternatives to the storage of hazardous substances in the coastal marine area because of operational needs such as having substances ready for oil spill clean up purposes, or the storage of products on wharves associated with the loading and unloading of petroleum products.

Principal reasons for adopting

Hazardous substances, if accidentally released, have the potential to create significant adverse effect on the coastal marine area. Restricting the amount of hazardous substances stored in the coastal marine area lessens the risk of an accident occurring.

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6

Other Policies 5.4.1, 5.4.2, 8.4.3, 9.4.3

- 10.4.12 The use of hazardous substances within the coastal marine area will only be allowed where that use is necessary for:**
- (a) The control of plant or animal pests; or**
 - (b) The control of pollution spills; or**
 - (c) The fuelling of ships and machinery permanently located within the coastal marine area; or**
 - (d) The maintenance of ships and structures where no discharge to the coastal marine area occurs.**

Explanation

The use of hazardous substances is sometimes required in the coastal marine area for the purposes of controlling plant and animal pests and for dealing with oil spills. Petroleum products, for the purposes of fuelling and operating ships, are required within the coastal marine area. This provision does not apply to the transportation of hazardous substances in the coastal marine area, including fuel or cargo in ships or other transportation modes. Such transportation is appropriately regulated under other legislation.

Principal reasons for adopting

To recognise the need to control plant and animal pests and to deal with oil spills within the coastal marine area. The use of chemicals which may be classed as hazardous substances may result in less adverse effect on the environment than allowing for the continuation of the pest or oil spill. To provide for the use of petroleum products in the fuelling of ships within the coastal marine area.

Rule 10.5.5

Other Policies 8.4.5

10.5 Rules

Any activity specified in this section as a controlled or discretionary activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the Otago Regional Council with a resource consent application.

- Note:**
1. The rules in this section provide for discharges to the coastal marine area. A consent may also be required under other parts of the Plan for:
 - An activity involving a restriction on public access to the coast (see Chapter 7);
 - An activity involving a structure (see Chapter 8);
 - An activity involving an alteration of the foreshore or seabed (see Chapter 9);
 - An activity involving the taking, damming or diversion of coastal water (see Chapter 11).
 2. The rules in this Plan *do not* apply to:
 - The dumping of waste or any other matter from any ship, aircraft, or offshore installation in the coastal marine area.
 - The discharge of harmful substances or contaminants from a ship or offshore installation in the coastal marine area.

These activities are governed by Sections 15A, 15B and 15C of the Act and the Resource Management (Marine Pollution) Regulations 1998.

10.5.1 Discharge of litter and non-biodegradable waste.

- 10.5.1.1** The discharge of litter within the coastal marine area is a *prohibited* activity.

10.5.1.2 The discharge of non-biodegradable waste into the coastal marine area is a *non-complying* activity.

Principal reasons for adopting

The discharge of any contaminant or water into water, or contaminant onto land of the coastal marine area can only occur if a resource consent is held, unless this Plan or regulations provide for that discharge (Section 15 of the Act). The discharge of litter into the coastal marine area may result in plastics and other material which are persistent in the environment, being spread along beaches or entrapping marine mammals. The periodic maintenance of structures and ships permanently located within the coastal marine area is necessary and may result in the discharge of some non-biodegradable waste, such as small amounts of sand and other waste from sandblasting. The rule recognises that practicable steps will not always prevent some non-biodegradable waste from entering the coastal marine area.

10.5.2 Discharge of human sewage, and wastes from commercial, industrial or production activities.

10.5.2.1 *[Repealed]*

10.5.2.2 Any discharge of human sewage, or waste from a commercial, industrial or production activity, to the coastal marine area, is a *discretionary* activity.

Principal reasons for adopting

The discharge of any contaminant or water into water, or contaminant onto land of the coastal marine area can only occur if a resource consent is held, unless this Plan or regulations provide for that discharge (Section 15 of the Act). The discharge of sewage that has passed through soil and wetland, and the discharge of wastes from commercial, industrial or production activities need to be considered within the same policy framework because of the potential adverse effects arising from those discharges. Any activity involving the discharge of human sewage and wastes from commercial, industrial or production activities, is a discretionary activity in order that any adverse effects can be assessed.

10.5.3 Discharge of stormwater

10.5.3.1 The discharge of stormwater into the coastal marine area is a *permitted* activity provided:

- (a) The discharge does not include stormwater from any industrial or trade premise, or any human sewage; and
- (b) The discharge is into a well flushed area; and
- (c) The contaminant or water discharged, after reasonable mixing, does not give rise to all or any of the following effects:
 - (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (ii) Any conspicuous change in the colour or visual

- clarity; or
- (iii) Any emission of objectionable odour; or
- (iv) Any significant adverse effects on aquatic life.

10.5.3.2 Except as provided for by Rule 10.5.3.1, the discharge of stormwater into the coastal marine area is a ***controlled*** activity.

The Otago Regional Council will exercise its control over:

- (a) The location of the discharge point.
- (b) The volume, rate and nature of the discharge.
- (c) The treatment, if any, required prior to discharge.
- (d) The duration of the resource consent.
- (e) The information and monitoring requirements.
- (f) The administrative charges payable.
- (g) The review of conditions of the resource consent.

Principal reasons for adopting

The discharge of any contaminant or water into water, or contaminant onto land of the coastal marine area can only occur if a resource consent is held, unless this Plan or regulations provide for that discharge (Section 15 of the Act). The discharge of stormwater into the coastal marine area needs to be provided for within this Plan as there are few available alternatives to the disposal of water originating from rain events.

10.5.4 Discharges in exceptional circumstances

10.5.4.1 A discharge to the coastal marine area that would not meet the requirements of Section 107(1) of the Act, on the basis of exceptional circumstances, as provided for by Section 107(2)(a) of the Act, is a ***discretionary*** activity.

Principal reasons for adopting [Repealed]

10.5.5 Hazardous substances, hazardous wastes and nuclear material

10.5.5.1 The following activities are ***prohibited*** activities in Otago's coastal marine area:

- (a) The storage, use, or discharge of hazardous waste, including nuclear waste; and
- (b) The passage or presence of nuclear armed or powered ships; and
- (c) The passage of ships carrying nuclear material, other than nuclear material used for medical or research purposes; and
- (d) The transshipment of nuclear waste originating from outside of New Zealand's coastal marine area.

10.5.5.2 The temporary storage of hazardous substances is a ***permitted*** activity provided:

- (a) The hazardous substance is contained in pipes associated with the transfer of fuel between ships and fuel storage facilities; or
- (b) The hazardous substance is stored for less than 24 hours within a properly bunded area on a wharf located within Coastal Development Area 4.

10.5.5.3 Except as provided for by Rules 10.5.5.1 and 10.5.5.2 the storage of hazardous substances in the coastal marine area is a *discretionary* activity.

10.5.5.4 The use of paints and other hazardous substances in the coastal marine area is a *permitted* activity provided:

- (a) They do not enter the water of the coastal marine area; and
- (b) They are used to maintain ships; or
- (c) They are used to maintain structures permanently located in the coastal marine area.

10.5.5.5 The use of herbicides for the purposes of controlling pest plants in the coastal marine area is a *permitted* activity provided:

- (a) The plant is listed as a pest plant in the Pest Plant Management Strategy 1996; and
- (b) The herbicide is approved for use in aquatic environments; and
- (c) The herbicide is not persistent in the environment or food chain; and
- (d) The discharge is carried out in accordance with any manufacturers' directions, or regulations; and
- (e) The person applying the herbicide immediately advises the Otago Regional Council and the environmental health section of the relevant city or district council, of any accidental spill of the herbicide.

10.5.5.6 The use of dispersants for controlling a pollution spill, in the coastal marine area, is a *permitted* activity provided:

- (a) The discharge is carried out in accordance with the manufacturers' directions, or regulations, and
- (b) That nothing in this rule applies to any discharge from a ship or offshore installation for the purpose of avoiding, remedying or mitigating the adverse effects from oil spills if the discharge is authorised by any regulations made under the Act.

10.5.5.7 The refuelling of ships or machinery permanently located in the coastal marine area is a *permitted* activity provided there are no discharges to the coastal marine area.

10.5.5.8 Except as provided for by 10.5.5.4 to 10.5.5.7 the use of hazardous substances in the coastal marine area is a *discretionary* activity.

Principal reasons for adopting

The potentially significant adverse effects on Otago's coastal marine area resulting from an accident involving hazardous wastes and nuclear material require that the risk, although small, must be avoided. The use of hazardous substances in limited circumstances recognises the need for those uses to be able to occur without intervention. The use of other hazardous substances and the storage of hazardous substances will need to be assessed to determine any adverse effect that might result from that use or storage.

10.5.6 Discharge of water or other contaminants

10.5.6.1 Except as provided for by Rules 10.5.1.1 through to 10.5.5.8, the discharge of water or contaminants to the coastal marine area is a *permitted* activity if the discharge is of:

- (a) Water which will not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius; or
- (b) Non-toxic tracer dye; or
- (c) Cooling water free of process or waste substances and which would not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius; or
- (d) Continually flowing water which has been used for holding live sea organisms and which has had no other contaminant added to it; or
- (e) Water discharged from the maintenance dredging of the Otago Harbour as permitted by 9.5.3.2.

10.5.6.2 Except as provided for by 10.5.6.1, the discharge of water or contaminants into the coastal marine area is a *discretionary* activity.

Principal reasons for adopting

The discharge of any contaminant or water into water, or contaminant onto land of the coastal marine area can only occur if a resource consent is held, unless this Plan or regulations provide for that discharge (Section 15 of the Act). The discharge of water and contaminants as identified in 10.5.8.1 will have minor or no adverse effects on the coastal marine area. Under 10.5.8.2, any other activity involving a discharge into the coastal marine area is a discretionary activity in order that any adverse effects can be assessed.

10.6 Other methods

10.6.1 Consultation

10.6.1.1 Recognise and take account of Iwi Management Plans as a basis for consultation with Kai Tahu.

10.6.1.2 The Otago Regional Council will consult with Kai Tahu and with other parties over the burial at sea of human bodies, and the spreading of ashes resulting from cremations, in order to identify culturally inappropriate locations for the disposal of human remains, and to discourage the use of those locations for the disposal of human remains.

Principal reasons for adopting

The use of consultation is seen by Kai Tahu as being the most appropriate way to recognise and protect the cultural relationship that they hold with the tai whenua (coastal domain). Iwi Management Plans would form a basis for consultation with Kai Tahu. The disposal at sea of human bodies and ashes can cause offence to Kai Tahu if that disposal occurs in areas of cultural or spiritual importance to them. Consultation with all parties involved is required, in order to identify areas where such disposal would be inappropriate.

10.6.2 Other plans

10.6.2.1 The Otago Regional Council, in consultation with the relevant territorial local authorities in the region, will develop oil spill contingency plans under legislation relating to marine oil spills.

10.6.2.2 The Otago Regional Council will develop methods and strategies to bring about a reduction in non-point source pollution within the Regional Plan: Water.

Principal reasons for adopting

Oil spill contingency plans provide the mechanism to organise and coordinate a response to any oil spill in the coastal marine area. Non-point source pollution can only be considered within plans, which can develop mechanisms to treat the problem at source.

10.6.3 Education and promotion

10.6.3.1 The Otago Regional Council will educate about the need to reduce the adverse effects of the discharge of bilge and ballast water into Otago's coastal marine area.

10.6.3.2 The Otago Regional Council will promote the benefits of disposal to shore based facilities of sewage and garbage from ships, and encourage ship operators to wherever possible, discharge such material to those facilities.

- 10.6.3.3** The Otago Regional Council will educate and promote generally about the need to maintain and enhance water quality.
- 10.6.3.4** The Otago Regional Council will educate and promote generally about waste disposal.
- 10.6.3.5** The Otago Regional Council will encourage new stormwater discharges to discharge only after the stormwater has passed through a soak pit, or provision is made to intercept contaminants from the first flush of a rain event.
- 10.6.3.6** The Otago Regional Council will encourage existing stormwater discharges to be upgraded so that the stormwater passes through a soak pit, or provision is made to intercept contaminants from the first flush of a rain event.

Principal reasons for adopting

Encouraging a reduction in bilge and ballast water discharges will assist in reducing the associated adverse effects of those discharges. Educating generally about the need to maintain and enhance water quality and about waste disposal generally will help in bringing about improvements to the quality of the coastal marine area. Stormwater discharges to the coastal marine area are normally unavoidable, however in some instances there are mechanisms available to reduce the effects associated with the discharge. Where practicable, it is important that these mechanisms are used.

10.6.4 Review of resource consents

- 10.6.4.1** The Otago Regional Council will review resource consents as necessary to reflect the need to improve water quality in areas identified as coastal protection areas, coastal recreation areas, and areas adjacent to marine mammal and bird sites as shown in Schedule 2 and 3 of this Plan, and in areas where there is a direct discharge containing human sewage or a direct discharge of waste from commercial, industrial or production activities.

Principal reasons for adopting

Objective 10.3.4 of this Plan identifies the areas where water quality should be enhanced. The review will enable the water quality in coastal protection areas, coastal recreation areas, and areas adjacent to marine mammals and bird sites identified in Schedules 2 and 3, and where there is direct discharge occurring, to be raised, where necessary, to the appropriate standards required by this Plan.

10.6.5 Monitoring

- 10.6.5.1** The Otago Regional Council will monitor water quality in areas where there is a high public interest or use of the water.
- 10.6.5.2** The Otago Regional Council will require discharge permit holders to monitor the water quality around their discharge.

Principal reasons for adopting

The Act makes it a duty of regional councils to control the discharge of contaminants to the coastal marine area. To successfully undertake this duty it is necessary to monitor the effects of discharges to the coastal marine area. The Annual Plan sets out a monitoring programme to be undertaken each year.

10.6.6 Provision of facilities

10.6.6.1 The Otago Regional Council will require all new ports and marinas to provide collection facilities for sewage and garbage from ships.

10.6.6.2 The Otago Regional Council will encourage existing ports and marinas to provide collection facilities for sewage and garbage from ships within 5 years.

Principal reasons for adopting *[Repealed]*

10.7 Anticipated environmental results

10.7.1 The values and concerns of Kai Tahu are fully considered when considering resource consent applications for discharges into the coastal marine area.

10.7.2 Discharges into the coastal marine area, after reasonable mixing do not result in:

- (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) Any conspicuous change in the colour or visual clarity;
- (c) Any emission of objectionable odour;
- (d) The rendering of fresh water unsuitable for consumption by farm animals;
- (e) Any significant adverse effects on aquatic life.

10.7.3 Water quality within Otago's coastal marine area is maintained.

10.7.4 Water quality within Otago's coastal marine area is enhanced in:

- (a) Coastal protection areas; and
- (b) Coastal recreation areas; and
- (c) Areas adjacent to marine mammal or bird sites; and
- (d) Areas where there is a direct discharge containing human sewage; and
- (e) Areas where there is a direct discharge of wastes from commercial, industrial or production activities.

10.7.5 Spills of contaminants are controlled with minimum adverse effects.

10 DISCHARGES