

# Region-wide proposed new rules and regulations Other Discharges



The Other Discharges chapter of the draft LWRP includes rules and provisions to effectively manage a range of specific discharges that do not neatly fit into other chapters in the plan. Discharges of contaminants and water into the environment (either directly to water or to land) can adversely affect the health of soils and water, as well as the health of the ecosystems they support.

## Overview and key changes

The table below provides a high-level comparison of the existing Water and Waste Plan provisions with those included in the draft Other Discharges chapter and highlights the key changes from the status quo.

Other Discharges chapter of draft LWRP	Existing plan
<b>Discharges of agrichemicals</b>	
<p><b>Discharges of agrichemicals to land are permitted if they are:</b></p> <ul style="list-style-type: none"> <li>• Approved under Hazardous Substances and New Organisms (HSNO) and used in accordance with the approval</li> <li>• Not discharged within a drinking water protection zone or 20 metres of a river, lake, wetland, the coastal marine area, or any bore</li> <li>• Undertaken in accordance with NZS8409:2021 Management of Agrichemicals.</li> </ul> <p><b>Discharges of agrichemicals to water are permitted if they:</b></p> <ul style="list-style-type: none"> <li>• Are approved under HSNO, not classified as hazardous for aquatic environments, and used in accordance with the approval</li> <li>• After reasonable mixing, meet specified receiving water standards</li> <li>• Not discharged to a drinking water protection zone, mātaītai reserve, or taiāpure,</li> <li>• Are undertaken in accordance with NZS8409:2021 Management of Agrichemicals.</li> <li>• If permitted activity conditions are not met, the discharge requires consent as a discretionary activity. tou</li> </ul>	<p><b>Discharges of agrichemicals (herbicides) to land are permitted if they are:</b></p> <ul style="list-style-type: none"> <li>• Authorised for use in NZ and used in accordance with the authorisation</li> <li>• Undertaken in accordance with any manufacturers' directions</li> <li>• For the purpose of controlling plants and the use does not exceed the quantity, concentration or rate required</li> <li>• Reasonable measures are undertaken to minimise direct discharges to water bodies, drains, water races and the coastal marine area</li> <li>• Do not adversely affect lawful takes of water</li> <li>• One week prior, dischargers notify people taking water for domestic supply and consent holders for water takes within one kilometre of the discharge, and the community via public notice where any discharge will occur into a river, lake, or Regionally Significant Wetland</li> <li>• Do not damage fauna or native flora in any Regionally Significant Wetland.</li> </ul> <p><b>Discharges of agrichemicals (herbicides) to water are permitted if they are:</b></p> <ul style="list-style-type: none"> <li>• Authorised for use in NZ and used in accordance with the authorisation</li> <li>• Undertaken in accordance with any manufacturers' directions and carried out by a person who holds a GROSAFE Registered Chemical Applicator certificate</li> </ul>

Discharges of agrichemicals	
	<ul style="list-style-type: none"> <li>• Applied in gel form</li> <li>• For the purpose of controlling aquatic plants and the use does not exceed the quantity, concentration or rate required</li> <li>• Do not adversely affect lawful takes of water</li> <li>• One week prior, dischargers notify people taking water for domestic supply and consent holders for water takes within one kilometre of the discharge, and the community via public notice where any discharge will occur into a river, lake, or Regionally Significant Wetland.</li> <li>• If permitted activity conditions are not met, the discharge requires consent as a discretionary activity.</li> </ul>
Discharges of vertebrate toxic agents (pesticides)	
<ul style="list-style-type: none"> <li>• Does not manage discharges of brodifacoum, rotenone, or sodium fluoroacetate (1080) as these are managed by the Resource Management (Exemption) Regulations 2017</li> </ul> <p><b>Discharges of vertebrate toxic agents to land are permitted if they:</b></p> <ul style="list-style-type: none"> <li>• Approved under HSNO and used in accordance with the approval</li> <li>• Not discharged within a drinking water protection zone or 20 metres of a river, lake, the coastal marine area, or any bore</li> <li>• Undertaken in accordance with manufacturer’s directions.</li> <li>• Discharges to water, and discharges to land that do not meet the permitted activity conditions, require consent as a discretionary activity.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not recognise that some discharges are managed under the Resource Management (Exemption) Regulations 2017</li> </ul> <p>Discharges of vertebrate toxic agents (pesticides) to <b>land</b> are permitted if they are:</p> <ul style="list-style-type: none"> <li>• Authorised for use in NZ and used in accordance with the authorisation</li> <li>• Undertaken in accordance with any manufacturers’ directions</li> <li>• For the purpose of controlling animals, plants or other organisms and the use does not exceed the quantity, concentration or rate required</li> <li>• Not discharged to water bodies, drains, water races or the coastal marine area</li> <li>• Do not damage fauna or native flora in any Regionally Significant Wetland.</li> </ul> <p>Discharges to <b>water</b>, and discharges to land that do not meet the permitted activity conditions, require consent as a discretionary activity.</p>

<h2>Dust suppressants</h2>	
<p><b>Discharges of dust suppressants to land are permitted if they meet the same conditions as the current rule, except that the controls on visual changes in the receiving water is replaced with a condition requiring the discharge to be:</b></p> <ul style="list-style-type: none"> <li>• Not within a drinking water protection zone</li> <li>• Not within 20 metres of a lake, river, coastal marine area, or a bore.</li> <li>• Discharges to <b>land</b> that do not comply with the conditions above, and are not of waste oil, are managed the same way as the Waste Plan</li> <li>• Discharges to <b>water</b> are a discretionary activity, addressing a gap in the Waste Plan provisions</li> <li>• Discharges of waste oil to <b>land</b> or <b>water</b> continue to be prohibited.</li> </ul>	<p>Under the Waste Plan, discharges of dust suppressants to land are permitted if:</p> <p>They are not a hazardous substance (including waste oil)</p> <p>They are approved under HSNO and used in accordance with the approval.</p> <p>They do not produce an objectionable odour, conspicuous oil or grease film, scum, or foam in any surface water body</p> <p>They do not result in ponding or overland flow.</p> <p>Discharges to land that do not meet the conditions above and do not contain waste oil require consent as a discretionary activity</p> <p>Discharges of waste oil to land or water are prohibited.</p>
<h2>Tracer dye</h2>	
<p><b>Discharges of tracer dye to water are a controlled activity if they:</b></p> <ul style="list-style-type: none"> <li>• Are not a hazardous substance</li> <li>• Are approved under HSNO, not classified as hazardous for aquatic environments, and used in accordance with the approval</li> <li>• After reasonable mixing, meet specified receiving water standards</li> <li>• Not discharged to a drinking water protection zone, mātaītai reserve, or taiāpure.</li> </ul> <p><b>The Council's control is limited to:</b></p> <ul style="list-style-type: none"> <li>• Volume, type, and concentration of the dye</li> <li>• Timing, duration, and method of discharge</li> <li>• Any notification requirements.</li> </ul> <p>If the controlled activity conditions are not met, the discharge requires consent as a discretionary activity.</p>	<p><b>Discharges of tracer dye to water are a controlled activity if they are chemically inert, non-radioactive, and non-toxic</b></p> <ul style="list-style-type: none"> <li>• <b>The Council's control is limited to:</b></li> <li>• Adverse effects on identified natural and human use values, natural character, and amenity values of any affected water bodies</li> <li>• Adverse effects on existing lawful takes</li> <li>• Location, timing, and nature of the discharge</li> <li>• Duration, information, monitoring, and bond requirements, and review conditions.</li> </ul>

## Discharges of swimming and spa pool water

### Discharges of swimming or spa pool water to land are permitted if:

- The water has not been treated with chemicals in the 14 days prior to discharge
- The water does not contain disinfectants, antiseptics, residual flocculants, sodium chloride more than 3500 grams per cubic metre, or residual chlorine or bromine above detection levels
- The discharge is not within a drinking water protection zone or 20 metres of a river, lake, the coastal marine area, or any bore
- Filter backwash does not enter a reticulated stormwater network
- Prior to discharge, the temperature of the water is ambient
- The discharge does not cause flooding, erosion, land instability, sedimentation, or property damage, or result in ponding or overland flow.
- Discharges to water, and discharges to land that do not meet the conditions above, require consent as a discretionary activity.

### Discharges of swimming pool water to water or to land are permitted if:

- The discharge does not contain faecal coliforms at greater concentrations than that of the receiving water, or that would cause the receiving water to exceed 150 CFU\* per 100 millilitres (after reasonable mixing)

\*CFU stands for Colony Forming Units. A colony-forming unit is where a colony of microbes grow from one single microbe. It is a measuring method that allows a scientist to examine a sample under a microscope and count the number of viable bacteria in a 100ml sample of water.

- The water does not contain disinfectants, antiseptics, pesticides, residual flocculants (except for aluminium at acid-soluble aluminium concentrations less than 0.1 grams per cubic metre), or free or residual chlorine at the point the discharge enters any surface water body or mean high water springs, human sewage, or any hazardous substances
- **The discharge does not, after reasonable mixing:**
  - increase the temperature of the receiving water by more than 3 degrees Celsius, and does not cause the temperature of the receiving water to be above 25 degrees Celsius
  - increase the suspended solids levels in the receiving water by more than 10 grams per cubic metre
  - change the pH of the receiving water by more than 0.5 pH units
  - give rise to any significant adverse effect on aquatic life.
- The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation, or property damage
- There is no change to the water level range or hydrological function of any Regionally Significant Wetland
- There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.
- If permitted activity conditions are not met, the discharge requires consent as a discretionary activity.

## Discharges from water treatment and filter backwash

Discharges from the purging of instruments used in water treatment, the use of portable potable water treatment units, or filter backwash to land are permitted if they:

- Do not enter a reticulated stormwater network
- Are not within a drinking water protection zone or 20 metres of a river, lake, the coastal marine area, or any bore
- Do not exceed 3 cubic metres per day
- Do not contain a chlorine concentration of more than 2 milligrams per litre
- Have a pH measurement of between 6 and 8
- Do not cause flooding, erosion, land instability, sedimentation, or property damage, or result in ponding or overland flow.
- Discharges to water, and discharges to land that do not meet the conditions above, required consent as a discretionary activity.

**Not specifically managed under the Water or Waste Plans.**

- If the discharge contains a hazardous substance, it will require consent as a discretionary activity.
- Otherwise, the discharge will be managed under the catch-all rules (discussed below).

Discharges from emergency firefighting training	
<p><b>Discharges to land or water as a result of fire training activities undertaken by Fire and Emergency NZ (FENZ) are permitted if:</b></p> <ul style="list-style-type: none"> <li>• They do not occur for more than 2 continuous hours in a 24-hour period.</li> <li>• The discharge is not onto the same area of land more frequently than once every three months.</li> <li>• The person undertaking the discharge must be an employee or volunteer of FENZ.</li> <li>• FENZ maintains a register with locations and dates of discharges.</li> <li>• It does not cause flooding, erosion, land instability, sedimentation, or property damage, or result in ponding or overland flow.</li> </ul> <p><b>Discharges that do not meet the conditions above require consent as a restricted discretionary activity. The Council’s discretion is limited to:</b></p> <p>Volume, type, and concentration of the dye</p> <ul style="list-style-type: none"> <li>• Timing, duration, and method of discharge,</li> <li>• Any notification requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Not specifically managed under the Water or Waste Plans.</li> <li>• If the discharge contains a hazardous substance, it will require consent as a discretionary activity.</li> <li>• Otherwise, the discharge will be managed under the catch-all rules (discussed below).</li> </ul>

## Discharges of water used for holding live organisms

### Discharges of water and contaminants used for holding live organisms to water or to land are permitted if:

- They do not contain any pests, unwanted organisms, or hazardous substances
- They will not introduce live aquatic life to a water body where the species is not already present or increase the population of an undesirable fish species
- If the discharge is to water, it complies with specified receiving water standards after reasonable mixing and is not within a drinking water protection zone, mātaimai reserve, or taiāpure (a coastal fishing area of special significance to iwi)
- If the discharge is to land, it is not within a drinking water protection zone, or 20 metres of a lake, river, the coastal marine area, or a bore
- It does not cause flooding, erosion, land instability, sedimentation, or property damage, or result in ponding or overland flow.
- Discharges that do not meet the conditions above require consent as a discretionary activity.

### Discharges of water used for holding live organisms to water or to land are permitted if:

- There is no change to the water level range or hydrological function of any Regionally Significant Wetland
- There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland
- No contaminant has been added that is toxic to the aquatic life of the receiving water body
- The discharge does not contain pest plant material (as identified in the Pest Management Strategy for Otago 2001)
- The discharge does not increase the natural temperature of the receiving waters, after reasonable mixing, by more than 3 degrees Celsius, and does not cause the temperature of the receiving water, after reasonable mixing, to rise above 25 degrees Celsius
- The discharge does not increase the suspended solids levels in the receiving water, after reasonable mixing, by more than 10 grams per cubic metre
- The discharge does not, after reasonable mixing, give rise to any significant adverse effect on aquatic life
- The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation, or property damage.
- Discharges that do not meet the conditions above require consent as a discretionary activity.



## Passive discharges from contaminated land

**Passive discharges from contaminated land (including closed landfills) to land are a controlled activity if:**

- A site investigation report has been provided to the Council
- Either the site investigation report or water quality sampling shows that groundwater meets the Drinking Water Standards for NZ, the Australia and NZ Guidelines for Fresh and Marine Water Quality at the level of 90% protection of species, and for concentrations of petroleum hydrocarbons the Guidelines for Assessing and managing Petroleum Hydrocarbon Contaminated Sites in NZ
- At any point where groundwater exits to surface water, the discharge does not produce any conspicuous oil or grease films, scums, foams, floatable or suspended materials, or change in visual clarity.

**The Council's control is limited to:**

- The need for remediation
- Monitoring, including methodology and frequency
- Methods to prevent land disturbance or other activity that may increase the potential for contaminants to be discharged from the site
- The need for, and contents, adequacy and implementation of a remedial action plan, site management plan, validation report, and/or an ongoing site management plan prepared in accordance with Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand
- For closed landfills, the extent to which monitoring is consistent with A Guide for the Management of Closing and Closed Landfills in New Zealand.
- Discharges that do not meet the conditions above require consent as a discretionary activity.

Not managed under the Water or Waste Plans.

Cemeteries	
<ul style="list-style-type: none"><li>• Use of land for a cemetery that is closed or operating on 30 June 2024 and any associated discharge to water or land is a permitted activity</li><li>• <b>Use of land for a new cemetery or part of a cemetery not operating on 30 June 2024, and any associated discharge to land, is a permitted activity if the land is not:</b><ul style="list-style-type: none"><li>• At risk from coastal erosion or frequent flooding</li><li>• Within 100 metres of a water body, the coastal marine area, or a bore</li><li>• Within a drinking water protection zone</li><li>• Less than 3 metres above groundwater</li><li>• On contaminated or potentially contaminated land</li><li>• Significant to mana whenua.</li><li>• The use of land and associated discharge that does not comply with the conditions above requires consent as a discretionary activity.</li></ul></li></ul>	Not managed under the Water or Waste Plans.

## Major hazard facilities

**Use of land for a major hazard facility (as defined in HSNO) is a controlled activity if:**

- It is a lower tier major hazard facility
- It is not within 100 metres of a water body, artificial watercourse, or the coastal marine area
- It is not within a drinking water protection zone
- It is not within 50 metres of a bore
- A management plan for preventing the unauthorised discharge of contaminants to land or water is prepared and implemented.

**The Council's control is restricted to:**

- The location of the facility, including in relation to water bodies and coastal water
- The quality, content, and implementation of the management plan.
- The use of land that does not comply with the conditions above requires consent as a discretionary activity.

- Use of land for the operation of facilities for the treatment or disposal of hazardous wastes and any associated discharge to **land** or **water** is a discretionary activity
- This overlaps with HSNO functions.

<b>Discharges not managed elsewhere</b>	
<p><b>Unless managed elsewhere, discharges to land or water are permitted if they:</b></p> <ul style="list-style-type: none"> <li>• Do not contain any hazardous substances, pests, pest agents, unwanted organisms, or organisms of interest</li> <li>• Do not introduce live aquatic life to a water body where the species is not already present or increase the population of an undesirable fish species</li> <li>• Do not alter the natural course of a water body or its bed or change the water level range or hydrological function of a natural inland wetland</li> <li>• Do not cause flooding, erosion, land instability, sedimentation, or property damage, or result in ponding or overland flow</li> <li>• Are not from or into contaminated land or directly into groundwater</li> <li>• If the discharge is to water, it complies with the receiving water standards after reasonable mixing and is not within a drinking water protection zone, mātaimai reserve, or taiāpure</li> <li>• If the discharge is to land, it is not within a drinking water protection zone or 20 metres of a lake, river, coastal marine area, or a bore.</li> <li>• Discharges to <b>land</b> or <b>water</b> that do not comply with the conditions above <b>require consent</b> as a <b>discretionary activity</b>.</li> </ul>	<p><b>Unless managed elsewhere, discharges to land or water are permitted if they:</b></p> <ul style="list-style-type: none"> <li>• Do not result in flooding, erosion, land instability or property damage</li> <li>• Do not discharge water from one catchment to water in another catchment</li> <li>• Do not change the water level range or hydrological function of any Regionally Significant Wetland</li> <li>• If the discharge enters water in any lake, river, wetland or the coastal marine area (or enters a water race or drain that goes to those waters), the discharge does not result in a conspicuous change in colour or visual clarity, or a noticeable increase in local sedimentation, does not have floatable or suspended organic materials and does not have an odour, oil or grease film, scum or foam</li> <li>• From 1 April 2026, if water flows fall below the reference flow, the discharge does not exceed specified discharge thresholds.</li> </ul> <p><b>Discharges to land or water that do not comply with the above conditions above require resource consent as a restricted discretionary activity if they are:</b></p> <ul style="list-style-type: none"> <li>• Not otherwise prohibited</li> <li>• Only for a period of up to five years</li> <li>• Do not result in flooding, erosion, land instability or property damage</li> <li>• Do not discharge water from one catchment to water in another catchment</li> <li>• Do not change the water level range or hydrological function of any Regionally Significant Wetland</li> </ul>

Discharges not managed elsewhere	
	<ul style="list-style-type: none"><li>• The Council's discretion is limited to the nature, type, volume, frequency, and location of the discharge; the concentration and loading of contaminants in the discharge; the staged timeframe for meeting the permitted activity conditions, and a wide range of adverse effects associated with the discharge</li><li>• Discharges to <b>land</b> or <b>water</b> that do not comply with the conditions above require consent as a discretionary activity unless they are prohibited</li><li>• Discharges to <b>water</b> that produce an objectionable odour, or a conspicuous oil or grease film, scum, or foam in any lake, river, or Regionally Significant Wetland; or drain or water race that flows to a lake, river, Regionally Significant Wetland, or coastal marine area; or bore or soak hole are prohibited activities.</li></ul>