

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

**Chapter 35:
Discharges to the Coastal Marine Area**

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Executive Summary

This report reviews the effectiveness and efficiency of the provisions in Chapter 35 'Discharges to the Coastal Marine Area (CMA)' in the Tasman Resource Management Plan (TRMP).

The chapter is concerned with two key issues: 1) the effects of point-source discharges, including cumulative effects; and 2) the effects of non-point source discharges, including land run-off from rural and urban areas.

The evaluation has found that the Chapter 35 provisions are 'on-track' to address the first issue. Activities requiring resource consent for point source discharges to the CMA have been limited with only around 27 applications being made over the past ten years. Half of these have been for aquaculture discharges during harvest and monitoring data shows that effects on water quality and benthic communities is localised and minor.

For other discharges, the TRMP provisions have enabled relevant effects to be accurately identified and assessed against a wide range of matters contained in the rules (Chapter 36). Best practice options for avoiding or minimising effects of discharges were often adopted by applicants or required through conditions of consent.

The Chapter 35 provisions were found to be robust when tested against a large resource consent application that failed to meet the required standards for discharges to the CMA. The hearing commissioners in that case noted that the objectives and policies were "very directive" and assisted in ensuring changes were made to the application to improve overall outcomes. Consent staff have similarly found the Chapter 35 provisions to be good to implement.

The second issue, relating to non-point source discharges from land use activities, has been assessed as 'not achieved'. This includes land use activities that cause sedimentation and nutrient runoff into rivers and streams, which ultimately makes its way into the CMA. Monitoring data reveals that the TRMP has not achieved its aims of avoiding or minimising the effects of diffuse discharges from land to the coastal environment.

However, the management of non-point source discharges is beyond the ability of Chapter 35 to address, and instead relies upon integration between the provisions in Part II of the TRMP (the district plan provisions) and the objectives and policies in the regional coastal plan.

Recommendations

Objective set	Recommendations
General	<ul style="list-style-type: none">• Review policy framework to give full effect to NZCPS 2010 requirements for water quality, natural character, sedimentation and contaminant discharges.• Review policy framework to give full effect to NPS-FM requirements to recognise the interactions between fresh water, land, associated

Objective set	Recommendations
	<p>ecosystems and the coastal environment.</p> <ul style="list-style-type: none"> • Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1). • Ensure that non-point source discharges to the CMA are managed through an integrated objective-policy-rule framework that considers activities and their effects across the land-CMA boundary. • Update Schedule 36C to provide more specific and certain water classification standards, and to amend references to outdated information. • Update the TRMP provisions relating to hazardous substances and contaminant discharges (see Chapter 23 Evaluation Report).
<p>Objective 35.1.2</p> <p>The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:</p> <p>(a) maintaining existing water quality; and</p> <p>(b) enhancing water quality where existing quality is degraded for natural and human uses or values.</p>	<p>Review</p> <p>The objective has a strong focus on water quality, which is appropriate, but it should be reviewed to cover other matters associated with discharges to the CMA, e.g. aesthetic qualities, habitat, ecosystems, and recreation.</p>
<p>Policy 35.1.3.1</p> <p>To recognise and provide for the uses and values of coastal water through a system of classification that establishes the water quality standards required to protect the water quality needs of those uses and values.</p>	<p>Retain, but review water quality standards to ensure they are specific and provide certainty.</p>
<p>Policy 35.1.3.2</p> <p>To control the effects of discharges of contaminants so that, in combination with other contaminant discharge effects, they enable the relevant water classification standards to be complied with.</p>	<p>Retain</p>
<p>Policy 35.1.3.3</p> <p>To seek to improve water quality where existing water quality is lower than the requirements for the classification.</p>	<p>Review</p> <p>Rules do not seek improvement; by definition, consented discharges will degrade water quality to some extent, not enhance.</p>
<p>Policy 35.1.3.4</p> <p>To ensure that water quality is not degraded where the existing water quality is the same or higher than the relevant water classification.</p>	<p>Retain</p>

Objective set	Recommendations
<p>Policy 35.1.3.5 Adverse effects of discharges into the coastal marine area, including adverse effects of:</p> <ul style="list-style-type: none"> (a) point source discharges on their own or in combination with other point source discharges; and (b) non-point source contamination arising from land use activities and entering the coastal marine area; and (c) contaminants in urban and rural stormwater; and (d) discharges of contaminants from aquaculture activities; <p>should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.</p>	<p>Retain, but review TRMP provisions for non-point source contamination, which is not well addressed within land use rules.</p>
<p>Policy 35.1.3.6 To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:</p> <ul style="list-style-type: none"> (a) the depth, water circulation patterns and tidal flow characteristics of the receiving water, including the nature and extent of mixing which may occur and the assimilative capacity of the water; (b) the extent of the mixing zone and the likely adverse effects on aquatic life and ecosystems within the mixing zone; (c) the characteristics of the discharge, including the presence of toxic constituents; (d) the classification of the water; <p>provided that the inter-tidal areas are excluded from any mixing zone unless the discharge has no more than a minor adverse effect on the inter-tidal area.</p>	<p>Retain Many of the policy listed matters (tidal flow, water circulation) are not covered in any detail within rules, i.e. the policy provides more detail than the rules.</p>
<p>Policy 35.1.3.7 To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:</p> <ul style="list-style-type: none"> (a) Any water classification. (b) Existing water quality of the receiving water. (c) The sensitivity and significance of the aquatic life or ecosystem. (d) The extent of the water adversely affected. (e) The magnitude, frequency and duration of the adverse effect, including any cumulative effect as a result of the discharge. (f) The range and intensity of uses and values of the water. (g) The conflicts between uses and values of the water. (h) The nature of the risks of the adverse effect. (i) Any relevant national or international water quality guideline or standard. 	<p>Retain Schedule 36D is not cross-referenced in rules, but if treated as assessment criteria for all discharges, then discharge considerations are comprehensively addressed. The concept of other users/uses/values (policy matter 'g') less clearly represented in rules.</p>

Objective set	Recommendations
<p>Policy 35.1.3.8</p> <p>To avoid the discharge of untreated wastewater to the coastal marine area unless it better meets the purpose of the Act than disposal to land and there has been consultation with the tangata whenua and with the community generally.</p>	<p>Retain</p> <p>This is strongly regulated by rules, i.e. prohibited activity to discharge untreated sewerage.</p> <p>Policy does not specify whether ‘wastewater’ refers to domestic or other, and no-where within rules are tangata whenua values identified.</p>
<p>Policy 35.1.3.9</p> <p>Subject to policy 35.1.3.10, to discourage the introduction of new point source discharges and to reduce contamination from existing point source discharges into the coastal marine area, particularly hazardous wastes, non-biodegradable wastes, and trade and industrial wastes.</p>	<p>Retain</p> <p>There are some circumstances when new discharges are unavoidable.</p> <p>The rules framework caters for point-source discharges well. However, industrial or trade-waste is only mentioned in context of discharges to air from ‘specified premises and processes’. The concept of ‘non-biodegradable waste’ is not mentioned anywhere</p>
<p>Policy 35.1.3.10</p> <p>To ensure that adverse effects from the discharge of contaminants (including feed and therapeutants) from aquaculture activities on water and sediment quality, ecology, and the benthic environment are avoided, remedied or mitigated.</p>	<p>Retain, but clarify whether a discharge consent is required for temporary discharges during harvest; if not, make this clear in the policy.</p> <p>Update ARM wording.</p>
<p>Policy 35.1.3.11</p> <p>To promote and advocate development of site contingency plans to avoid, remedy or mitigate the likely adverse effects of any emergency discharges or other accidental spills in the coastal marine area.</p>	<p>Retain</p> <p>This policy applies to discharges that can occur in CMA e.g. spills on beaches during refuelling. MARPOL regulations only cover discharges from ships and offshore installations. The TRMP can be more stringent.</p>
<p>Policy 35.1.3.12</p> <p>To ensure that land use and discharge activities, particularly those involving hazardous substances, are carried out having regard to contingency planning measures appropriate to the scale and nature of any discharge or potential discharge and the risk to the environment for any accidental discharge of any contaminant that may result in connection with the activity.</p>	<p>Retain</p> <p>Land use rules deal with these issues comprehensively, but the connection to CMA discharges is less clearly defined in the rules.</p>
<p>Policy 35.1.3.13</p> <p>To avoid discharge of wastes to the coastal marine area by ensuring adequate and convenient provision of facilities for the collection and appropriate disposal of litter, sewage, spills and residues from vessel use, and maintenance and refuelling and other uses of the coastal marine area.</p>	<p>Review</p> <p>This appears to be aimed at actions not governed by discharges consents, but indicating council’s role in supporting appropriate CMA discharges and management of facilities.</p>
<p>Policy 35.1.3.14</p> <p>To avoid, remedy or mitigate adverse effects of contaminants arising from land-based activities on the coastal marine area, particularly those discharged via urban and rural run-off/stormwater.</p>	<p>Retain, but update ARM wording.</p> <p>Implementation requires cross-over between the CMA – land boundary; Chapter 33 provisions are relevant.</p>

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *“assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address”*

Efficiency: *“measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society”*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)?
(Enfocus, 2008)

2. Scope

2.1 Regional Plan Provisions Reviewed

The Tasman Regional Coastal Plan is made up of the following parts / chapters of the TRMP:

- Part III ‘Coastal Marine Area’ 1 (Chapters 20-26);
- Part V ‘Water’ (parts of Chapters 30 and 31) relating to taking, diverting, using or damming coastal water); and
- Part VI ‘Discharges’ (Chapter 35 and part of Chapter 36) relating to coastal marine discharges).

This report addresses Chapter 35, which is concerned with the effects of discharges to the Coastal Marine Area. It identifies the following main issues:

1. Discharges into the coastal marine area can cause significant adverse effects, including cumulative effects.
2. Many land use activities outside the coastal marine area can cause contaminants to be discharged to the coastal marine area, particularly via land run-off from rural and urban areas.

One objective and 14 policies have been adopted in addressing the chapter issues, as shown in Table 1 below.

Table 1: Scope of the Evaluation

Chapter 35	Objective	Policies
35.1 Discharges to the Coastal Marine Area	35.1.2	35.1.3.1 – 35.1.3.14

The objective seeks to achieve *“The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while: (a) maintaining existing water quality; and (b) enhancing water quality where existing quality is degraded for natural and human uses or values”*.

The policies deal consecutively with controlling effects of discharges to the CMA using a water classification system to establish water quality standards, avoiding or mitigating effects of point and non-point source discharges, stormwater contaminants and contaminants from aquaculture, identifying matters to consider when assessing effects of discharges (e.g. water classification, existing water quality, magnitude, frequency and duration of the effect), avoiding discharge of waste and untreated wastewater to the CMA, reducing contamination from point source discharges, and promoting development and use of site contingency plans.

Regulatory methods adopted in the TRMP to implement the policies include:

- TRMP rules (set out in Chapter 36) relating to (a) the discharge of contaminants directly or indirectly into water; (b) the discharge of contaminants onto land; (c) the location of discharge activities; and (d) the preparation of contingency plans.

1 The coastal marine area extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it

- Water classification of water in the coastal marine area; and
- Enforcement or abatement action where necessary.

In support of the chapter's objective, a number of non-regulatory methods are set out:

- Education and advocacy on industry codes of practice and individual management practices, and provision of information and advice concerning sustainable practices.
- Advice to the public when accidental or emergency discharges pose a threat to human health, encouraging the provision of rubbish disposal facilities, toilets, and facilities to accept sewage from boats and other users of the coastal marine area, and oil spill management.
- Investigation and monitoring of water quality, tidal circulation patterns, and the nature, extent and sources of contamination, including from activities outside the CMA.

The environmental outcomes sought from implementation of the chapter rules and methods are:

1. Discharges of contaminants that avoid, remedy or mitigate adverse effects.
2. Water quality maintained or enhanced for all water bodies of the District.

2.2 Timeframe of Evaluation

The evaluation was conducted from July 2019 to March 2020.

2.3 Summary of Methodology:

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and 'on the ground' data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP to observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan Outcome Evaluation approach also arise where environmental outcome data is poor, or where there are multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a ‘rapid assessment’ technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- environmental data or expert reports where available
- Council data (e.g. water quality information, flow monitoring data, consenting and compliance database information, models, monitoring reports required by consent condition)
- mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings)

The data sources that have been used for evaluating Chapter 35 are shown in Table 2 below:

Table 2: Information Sources Used in Evaluation

Data Source/s	Details and Notes
Rapid Assessment	<ul style="list-style-type: none"> • Meeting with policy staff on 26th September 2019 • Meeting with monitoring staff on 6th December 2019 • Workshop with council staff on 12th December 2019 • Meeting with consent staff on 28th January 2019
Councillor input	<ul style="list-style-type: none"> • Workshop held on 20th May 2020
External reports	<ul style="list-style-type: none"> • Legal report for s35 review, Tasman Law, June 2019 • Iwi management plans • NIWA (2011). Tasman aquaculture: guidance on farming additive species - Stage 2. • Newcombe et al. (2015). Assessing the State of the Marine Environment in Tasman Bay and Golden Bay. • Stevens & Rayes, 2018. Summary of the Eutrophication Susceptibility and Trophic State of Estuaries in the Tasman Region. • Gibbs & Woodward, 2018. Waimea and Moutere Sediment Sources by Land Use.
Council reports	<ul style="list-style-type: none"> • TRMP Policy Mapping (Leusink-Sladen, 2019) • s32 Report (Feb 2020). Plan Change 72 Moorings and Coastal Structures • Stage 2 of TRPS Efficiency and Effectiveness Review: Statutory Obligations (Mason, 2019)
Council records (MagicBR/NCS/databases)	<ul style="list-style-type: none"> • MagiQ BI – Resource consents data

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 20th May 2020 discussing key issues and recommendations identified for this chapter.

No additional matters were raised.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus on iwi/Māori provisions has been prepared. Please refer to that report for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

The primary legislation affecting Chapter 35 is the Resource Management Act (RMA). The purpose of this Act is to promote the sustainable management of natural and physical resources (s5, RMA). One of the key requirements of sustainable management is safeguarding the life-supporting capacity of water and ecosystems (s5(2)(b)).

In addition, several matters of national importance under the RMA (set out in s6), which all councils must 'recognise and provide for', relate directly to the issues addressed in the chapter:

- *s6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*
- *S6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- *S6(g) the protection of protected customary rights.*

In support, the council must 'have particular regard to' several relevant matters in s7 of the RMA:

- *s7(a) Kaitiakitanga.*
- *s7(c) The maintenance and enhancement of amenity values.*
- *s7(d) Intrinsic values of ecosystems.*
- *s7(f) Maintenance and enhancement of the quality of the environment.*

With specific regard to discharges, s107(1) of RMA expressly prohibits the granting of a resource consent for a contaminant discharge if, after reasonable mixing, it will result in any of the following effects in the receiving waters:

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

What can be considered 'reasonable mixing' depends on the nature of the discharge and the sensitivity of the receiving environment.

Schedule 3 of the RMA sets out water quality classes for coastal waters that apply after reasonable mixing of any contaminant or water with the receiving water. There are eleven water quality classes with separate standards that reflect different uses of the water, such as whether the water is being managed for aquatic ecosystem, fisheries, shellfish gathering or cultivating, recreation and/or cultural purposes.

3.1.1 Legislation Changes

The following amendments to the RMA have some bearing on Chapter 35 provisions. They will need to be taken into account when the TRMP is updated.

Resource Legislation Amendment Act 2017

The explicit function for councils to control hazardous substances has been removed from RMA ss30 & 31.

Some existing RMA controls on hazardous substances duplicate or increase those in place under the Hazardous Substances and New Organisms Act 1996 (HSNO), which regulates the management, disposal, classification, packaging and transport of hazardous substances, and the Health and Safety at Work Act 2015 (HSW), which establishes workplace controls for hazardous substances.

The intention is that in most cases HSNO and HSW controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.

However, Councils still have a broad function of achieving integrated management, and may use this function to place extra controls on hazardous substance use under the RMA, if existing HSNO or HSW controls are not adequate to address the environmental effects of hazardous substances in any particular case (including managing the risk of potential effects on the local environment).

Areas where the RMA may still be applied to hazardous substances include:²

- Managing the establishment of hazardous substances/facilities adjacent to and within sensitive environments to ensure acceptable levels of risk of off-site adverse effects.
- Avoiding location of activities which use hazardous substances in areas subject to natural hazards.
- Managing discharges of hazardous substances/contaminants to land, water and air.
- Controlling hazardous substances that are not covered by HSNO (as the RMA definition is broader and encompasses a wider range of substances and hazardous properties, than under HSNO).

RMA Amendment: Protected Customary Marine Title Areas

A new matter of national importance, s6(g) "*The protection of protected customary rights*", was added to the RMA following the enactment of the Marine and Coastal Area (Takutai Moana) Act (MACA) in 2011.³ RMA ss61(2A) and 66(2A) were also amended to require regional councils to be

2 From the Quality Planning website. 2019. *Hazardous Substances Under the RMA*.

<https://www.qualityplanning.org.nz/node/695>

3 MACA also repealed the earlier Resource Management (Foreshore and Seabed) Amendment Act 2004.

‘recognise and provide for’ relevant matters relating to customary marine title areas in regional policy statements and plans.

RMA S85A was amended so that plans must not permit activities that would have a ‘more than minor’ adverse effect on a recognised customary activity. Additionally, RMA S104(3)(c) was amended to restrict councils from granting a resource consent that would impact on wāhi tapu or cause ‘more than minor’ adverse effects on the exercise of a protected customary right (without written approval from the customary rights group).

Nine applications in the Tasman District have been made under MACA to have customary marine rights formally recognised. Decisions on these applications are pending. The effects of point source discharges on approved customary marine title areas may need to be included as a consideration under the TRMP provisions.

3.1.2 National Directives

NZ Coastal Policy Statement 2010 (NZCPS)

National policy statements are instruments issued under the RMA. The NZCPS is the only mandatory national policy statement and is prepared by the Minister of Conservation. It sets out general objectives and policies for the sustainable management of New Zealand’s coastal environment, which the TRMP is required to give effect to (i.e. implement). The TRMP was notified prior to the current NZCPS and for that reason only partially gives effect to the objectives and policies of the NZCPS.

There are a number of corresponding objectives and policies in the NZCPS that need to be given effect to. In particular, the NZCPS requires councils to recognise the importance of the coastal environment for communities’ economic, social and cultural wellbeing, while at the same time preserving and restoring natural character, enhancing coastal water quality, and reducing the impacts of contaminant discharges and sedimentation. Upholding the principles of The Treaty of Waitangi and ensuring Māori are able to fulfill their kaitiaki and customary roles is also an important requirement.

Relevant objectives and policies in the NZCPS 2010 that must be ‘given effect to’ include:⁴

Table 3: NZCPS Provisions Relevant to Chapter 35

NZCPS Objectives	
1.	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, including maintaining and enhancing coastal water quality.
3.	To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.
6.	To enable people and communities to provide for their social, economic, and cultural wellbeing, recognising that the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.

4 NZCPS provisions are paraphrased here; for the full text see <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf>

NZCPS Policies	
2.	<i>The Treaty of Waitangi, tangata whenua and Māori heritage</i> , In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment.
6.	<i>Activities in the Coastal Environment</i> , which recognises (amongst other matters): the contribution that use and development of the CMA can have to social, economic and cultural wellbeing; and that some activities have a functional need to be located in the CMA.
13.	<i>Preservation of Natural Character</i> , which requires avoiding adverse effects of activities on the natural character of the coast.
14.	<i>Restoration of Natural Character</i> , which includes reducing or eliminating discharges of contaminants where degraded areas of the coastal environment require restoration or rehabilitation.
21.	<i>Enhancement of Water Quality</i> , which involves improving coastal water quality in areas where it has deteriorated to the extent it is having a significant adverse impact.
22.	<i>Sedimentation</i> , which seeks to reduce sedimentation levels and impacts on the coast through controls on subdivision, use and development and vegetation removal (including harvesting plantation forestry).
23.	<i>Discharge of Contaminants</i> , which seeks to manage effects of discharges to water in the coastal environment, including sewage, stormwater, and discharges from ports and other marine facilities.

National Policy Statement for Freshwater Management 2014 (amended 2017)⁵

The National Policy Statement for Freshwater Management (NPS-FM) applies to discharges to fresh waters that are within the coastal environment but not directly to waters within the coastal marine area. The NPS-FM recognises that the management of coastal and fresh waters requires an integrated and consistent approach.

Objective C1 of the NPS-FM (Integrated management) seeks 'to improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment'. Policy C1 requires every regional council to recognise the interactions between fresh water, land, associated ecosystems and the coastal environment ki uta ki tai (from the mountains to the sea). This policy also directs regional councils to manage fresh water and land use development in whole catchments in an integrated way.

International Convention for the Prevention of Pollution from Ships (MARPOL)⁶

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations - and currently includes six technical Annexes:

- Prevention of pollution by oil – annex I
- Control of pollution by noxious liquid substances – annex II

5 From p.13, Dept. of conservation (Dec 2018). *NZCPS 2010 guidance note Policy 23: Discharge of contaminants*. <https://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/policy-statement-and-guidance/>

6 [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

- Prevention of pollution by harmful substances carried in packaged form – annex III
- Prevention of pollution by sewage from ships – annex IV
- Prevention of pollution by garbage – annex V
- Prevention of air pollution from ships – annex VI.

New Zealand law gives effect to annex I, II, III, and V and thus regulates discharges of oil, chemicals, marine pollutants (in packaged form), and garbage. Annex IV is given effect for ships in New Zealand that are leaving for and coming from the Antarctic sea area only.

Resource Management (Marine Pollution) Regulations 1998⁷

The Resource Management (Marine Pollution) Regulations came into force on 20 August 1998 and were updated in 2002 and 2011. The regulations address pollution from vessels and offshore installations within the territorial sea (12 nautical miles). They are designed to implement the provisions of the International Conventions. The regulations cover discharges of oil, noxious liquids, sewerage, garbage and ballast water.

A rule may only be included in a regional coastal plan for discharges included under the regulations if it increases the distances seaward or increases the depth specified for any area, or increases the distances from a marine farm, marine reserve or mātaihai reserve. A rule in a regional coastal plan cannot relax the requirements in the regulation.

Monitoring and enforcement of discharges from ships within the territorial sea is undertaken by regional councils. Councils also consider resource consents for the dumping of waste at sea within this zone.

Maritime New Zealand monitors and enforces compliance of ships with marine protection legislation beyond the New Zealand territorial sea. Visiting foreign ships must also meet the international standards adopted by New Zealand. Maritime New Zealand also assesses applications for dumping of wastes on the high seas by New Zealand flagged vessels.

Biosecurity New Zealand, under the Ministry for Primary Industries, administers the Biosecurity Act. This act sets out the requirements for the discharge in New Zealand waters of ships' ballast water from overseas.

Maritime Transport Act 1994⁸

Marine protection rules made under the Maritime Transport Act provide for both marine safety and pollution prevention within the coastal marine area and EEZ. They deal with a wide range of matters pertaining to vessels including discharges of oil and waste, and carriage of dangerous goods.

The Act provides for the protection of the marine environment from harmful substances. This includes identifying harmful substances that are not to be discharged into the sea or seabed, requiring notification of arrival of a ship carrying oil or a noxious liquid substance, or the transfer of such substances. New Zealand operates a voluntary code for commercial vessels carrying oil or other harmful liquid substances in bulk. The relatively low levels of shipping traffic around New Zealand make the implementation of a formal mandatory routing system unnecessary.

7 <https://www.maritimenz.govt.nz/public/environment/legislation-regulations.asp>

8 <http://www.environmentguide.org.nz/issues/marine/vessels/im:2119/>

3.1.3 Treaty Settlement Legislation

Four pieces of Treaty settlement legislation relate to the nine iwi within Tasman District:

- Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
- Ngāti Apa ki te Rā Tō, Ngāti Kuaia, and Rangitāne o Wairau Claims Settlement Act 2014
- Ngati Toa Rangatira Claims Settlement Act 2014
- Ngāi Tahu Claims Settlement Act 1998

Treaty settlement legislation includes statutory acknowledgements by the Crown of statements of association by relevant iwi of their particular cultural, spiritual, historical and traditional associations with statutory areas; statements of coastal values made by relevant iwi and their particular values relating to coastal statutory areas; and Deeds of Recognition which acknowledge sites with which iwi have a special relationship.

The statutory acknowledgement associations include reference to iwi beliefs around water and its valued place in the Māori world view, historic relationships with specific areas in Tasman and treasured fish, bird and plant species that were important to their tūpuna (ancestors).

3.1.4 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements. The plan changes relevant to this topic are outlined in Table 4 below.

Where a plan change has been recently introduced (i.e. <3 years) its impact will be difficult to determine with any accuracy as:

- there may have been limited uptake of the plan provisions (i.e. not many activities undertaken that trigger the new rule set) and/or
- the impact of existing use rights and previously consented activities continue
- the impacts may not be highly visible until there is a cumulative uptake of the provision (e.g. water permit renewals to include new provisions).

For those reasons, the implementation of plan changes less than 3 years old (from operative date) have not been fully assessed for effectiveness or efficiency.

Table 4: Plan Changes Relating to Chapter 35

Plan Change or Variation	Description of Change and Key Matters
<p>Variations 3 & 4: Inclusion of Discharge Provisions</p> <p>Notified 29 Sep 1998; Operative 26 Nov 2011</p>	<p>Variation 3 introduced the Part VI chapters to the Proposed Tasman Resource Management Plan, namely Chapters 33, 34, 35, 36 & 37.</p> <p>Variation 4 introduced the following sets of provisions to Parts II and III of the Proposed Tasman Resource Management Plan: (a) On-site disposal of domestic wastewater; (b) Special Domestic Wastewater Disposal Areas; (c) Stormwater management; (d) Hazardous substances – further policies to manage contaminated sites and contingency planning are introduced; (e) Coastal marine area – amendments to policies concerning hazardous substances and contingency planning; and (f) Planting and building setbacks – the Plan recognises the need to avoid conflicts between land uses where pesticide drift may cause adverse effects.</p>

<p>Variation 46: Onsite Wastewater Management in Coastal Tasman Area</p> <p>Notified 3 Dec 2005; Operative 26 Feb 2011</p>	<p>Amendments to the TRMP to provide for on-site disposal of wastewater in the Coastal Tasman Area, following a decision by council not to proceed with a reticulation scheme. The area is expected to be subject to increasing intensity of development and there are a number of significant limitations to on-site disposal that need to be managed, including very low permeability clay soils, steep slopes, high groundwater tables, and the proximity to sensitive receiving environments such as the Waimea Inlet.</p> <p>The Variation identified a new Wastewater Management Area. It added policies 33.4.3.2 and 33.4.3.3 – 33.4.3.5 setting out specific matters to be addressed to minimise adverse impacts. It also added a new Controlled Activity rule (36.1.3.2), a new Restricted Discretionary Activity rule (36.1.4.2), and a new Non-Complying Activity Rule (36.1.6.1).</p>
<p>Variation 55: Design Guide for Subdivision & Development in the Coastal Tasman Area</p> <p>Notified 28 Jul 2007; Operative 9 Oct 2010</p>	<p>This Variation added the Coastal Tasman Area Design Guide as an appendix to the TRMP, rather than it sitting outside the Plan as an external document as originally intended. The Design Guide was developed by Council to guide subdivision and land development in the coastal Tasman area, from Mariri in the north to Waimea Inlet in the south. Its purpose is <i>“to promote and encourage well-designed and innovative developments in the Rural 3 Zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive value”</i>.</p> <p>The Design Guide promotes low impact drainage, stormwater and wastewater management in subdivision layout and design, and recommends a management plan for making clear the details of any shared wastewater management responsibilities</p>
<p>Variation 56: Stormwater Management</p> <p>Notified 28 Jul 2007; Operative 9 Oct 2010</p>	<p>Amendments to the TRMP stormwater provisions to encourage a much greater level of consideration of stormwater management within land use and subdivision activities. The approach recognised the link between changes in land uses and the flow, quality and sedimentation effects that they can have on stormwater.</p> <p>The changes also introduced low impact stormwater design (LID) for the effective management of stormwater, to enable methods and solutions which protect, incorporate or mimic natural drainage conditions of the site in the management of stormwater, e.g. retention of vegetation, protection of streams or wetlands, and the on-site detention of stormwater.</p> <p>As part of the variation, 9 policies and one method were added to chapter 33 and amendments were made to rules in chapters 16, 17 and 36.</p>

3.1.5 Relevant Case law⁹

Ngāti Rāua Iwi Trust v Tasman District Council W25/2003 and W32/2004 (Allin J presiding)

The Environment Court issued an interim and final decision granting consent for a wastewater pipeline across the esplanade reserve at Tapu Bay and necessary consents for a pipeline to cross the Riwaka River. The Court considered the matters of national importance under Part 2 including the Māori provisions, and the NZCPS and RPS, particularly in relation to iwi and coastal waters. Also considered the Tasman Transitional Coastal Plan and the PTRMP. The Court found the physical effects of installing the pipeline as proposed would be minor, but the real issues related to how the proposal affected various Māori related matters. Court found the Riwaka River, Tapu Bay and

⁹ Information in this section has come from a TDC commissioned report: Tasman Law (June 2019). *Legal Report for Section 35 TRMP Review*.

esplanade reserve were significant areas for Māori and there was a strong relationship of iwi and their culture and traditions with the land, water, sites, waahi tapu and other taonga in the vicinity of the proposed pipeline.

The Court held that the existence of the pipeline would be an affront to Māori and if not for the pressing need for it, it would have issued a decision to encourage the TDC to look at alternatives. The Court did not allow appeal but directed the parties to consider the issue of the river crossing and revised the term to 11 years to allow time for consideration of alternative options. Following this the parties filed with the Court a MOU recording that they were to enter into discussions concerning longer term options for disposal and treatment of wastewater for the coastal communities extending from Marahau to Motueka and to establish a task force.

3.1.6 Relevant Iwi Management Plan Provisions

Both the RMA (s66(2A)) and NZCPS 2010 (Policy 2) require TDC to “take into account” any relevant iwi planning document recognised by the appropriate iwi authority (or hapū under the NZCPS) and lodged with the council, to the extent that its content has a bearing on resource management issues in the district.

Three Iwi Management Plans (IMPs) have been lodged with TDC by Iwi having interests in the Tasman District:¹⁰

1. Ngati Koata No Rangitoto Ki Te Tonga Trust Iwi Management Plan (2002)
2. Te Rūnanga O Ngāti Kuia, Pakohe Management Plan (2015)
3. Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan (2018)

Two other IMPs prepared by Iwi with an interest in Tasman have been lodged with Nelson City Council:¹¹

4. Nga Taonga Tuku Iho Ki Whakatu Management Plan (2004)
5. Te Ātiawa Ki Te Tau Ihu Iwi Environmental Management Plan (2014)

Relevant provisions in the IMPs will need to be taken into account when the TRMP is updated following the present review. Examples of IMP provisions relating to Chapter 35 matters are shown in Appendix 1 (p.34).

3.1.7 Other Factors

Stormwater Activity Management Plan 2018

The Stormwater Activity Management Plan encompasses the provision of stormwater collection, reticulation, and discharge systems in Tasman District. The assets used to provide this service include drainage channels, piped reticulation networks, tide gates, detention or ponding areas, inlet structures, discharge structures and quality treatment assets.

TDC undertakes the stormwater activity to minimise the risk of flooding of buildings and property from surface runoff and small urban streams. Council enables the safe and efficient conveyance and

10 <https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans/>

11 <http://www.nelson.govt.nz/council/plans-strategies-policies/strategies-plans-policies-reports-and-studies-a-z/iwi-management-plans>

disposal of stormwater from the urban drainage areas, this improves the economic and social well-being of the District by protecting people and property from surface flooding.

The council has a duty of care to ensure that the effects of any runoff from its own properties is remedied or mitigated. Because most of its property is mainly in the form of impermeable roads in developed areas, this generally means that some level of reticulation system is constructed. The presence of this system means it also becomes the logical network for dealing with private stormwater disposal.

Effects on the Environment

To address the effects of stormwater discharges on the receiving environment the AMP states council will adopt a water sensitive design approach that is based on the following principles:

- Protection and enhancing the values of our natural ecosystems.
- Addressing the effects from stormwater as close to source as possible.
- Mimicking natural systems and hydrological processes for stormwater management.

Developers will be required to follow the same approach in accordance with the proposed Land Development Manual. The approach includes requirement for stormwater treatment and protecting stream health.

TDC will obtain discharge consent through which the effects from stormwater discharges on the environment will be managed and controlled.

Nelson Tasman Land Development Manual

The design and management of network infrastructure is primarily managed through the Nelson Tasman Land Development Manual (2019) (NTLDM). Previously, Tasman had its own Engineering Standards.

The NTLDM is incorporated by reference into the TRMP, and has a policy relationship through Chapter 15 to manage the environmental impacts from network infrastructure, as well as objectives for integrated, efficient and resilient design.

3.2 Internal Consistency of Provisions

Overall, the internal consistency of the Chapter 35 provisions has been assessed as **moderate**, as shown in Table 5 below.¹² The Chapter is all about discharges to land and water within the Coastal Marine Area. Both point and non-point discharges from a range of land-based activities within Part II are implicated, and there is a strong connection to other TRMP sections, chiefly Part III CMA and contaminant discharges sections of Chapter 33 and Chapter 34.

Table 5: Chapter 35 Summary of Internal Consistency

Objective	Internal Consistency	Comment
35.1.2	Moderate	This objective is high-level, broadly encompassing the general issue of contamination of the CMA with a water

12 Information in this section has come from a TDC commissioned report: Leusink Sladen, S. (Dec 2019). *Tasman Resource Management Plan Policy Mapping - Review of the Internal Consistency and Integrity of Plan Objectives, Policies and Rules Parts III – VI.*

<p>The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:</p> <p>(a) maintaining existing water quality; and</p> <p>(b) enhancing water quality where existing quality is degraded for natural and human uses or values.</p>		<p>quality focus. Fourteen (14) policies implement it, and overall may be said to be moderately well implemented.</p> <p>More strongly implemented concepts relate to point-source discharges (e.g. domestic wastewater), or those associated with specific activities such as aquaculture. Water classifications within schedules provide specific quality points of reference.</p> <p>Less strongly provided for policies are those which seek water quality improvements or attempt to achieve non-point source water quality. Urban stormwater management is also a less strongly addressed subject.</p>
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In strengthening the internal consistency of Chapter 35 provisions, the following actions are recommended:

- Review alongside recommended stormwater review in relation to urban point-source and urban and rural non-point source contamination.
- Review in relation to land use activities and effects on drainage to the CMA.
- Recommend some discussion around ‘improvements’ to water quality and how they might be achieved.

3.3 Evidence of Implementation

3.3.1 Resource Consent Data for Discharges to the CMA

The Chapter 35 objectives and policies are largely implemented via rules in Chapter 36 of the TRMP. The rule sets for discharges to coastal waters are set out in Table 6 below. They include permitted, controlled, restricted discretionary, discretionary and prohibited activities, and addresses a range of matters as well as activity-based conditions.

Table 6: Summary of Rule-Set for Chapter 35 Matters¹³

Chapter 36 Discharge Rules	Description
36.2 Discharges to Fresh Water or Coastal Water	
36.2.2.1 – 8 – Permitted Activities	<ul style="list-style-type: none"> • Discharge of Fruit Dump Water • Discharge of Mining Wash Water • Discharge of Sediment or Debris from Land Disturbance Activities • Discharges Arising from Activities in the Beds of Rivers and Lakes • Discharges arising from Entering or Passing over Beds – Stock • Discharge of Vegetation from Land Disturbance Activities • Discharge of Dye • Discharge of Water <p>Provided the discharges comply with the specified rule conditions.</p>
36.2.3.1 Discretionary Activities	<ul style="list-style-type: none"> • The discharge of any contaminant or water into water that does not comply with the conditions of rules 36.2.2.1 to 36.2.2.8.

¹³ Note: the rules relating to the discharge of pesticides have been evaluated in the report for Chapter 34 ‘Air Discharges’.

36.2.3.2 Discretionary Activities	<ul style="list-style-type: none"> The discharge from aquaculture to coastal water of: <ul style="list-style-type: none"> (i) feed; (ii) therapeutants; (iii) waste materials; (iv) contaminants arising from anti-fouling protection measures; or (v) any other contaminant arising from the activity.
36.2.4.1 Prohibited Activities	<ul style="list-style-type: none"> The discharge into water of untreated dairy shed effluent, piggery effluent from buildings housing pigs, or untreated human sewage other than from vessels.
36.4 Discharges or Diversions to Land or Water	
36.4.2.1 Permitted Activities	<ul style="list-style-type: none"> Except in the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water into water, or onto or into land, where the stormwater or drainage water may enter water, Provided it complies with the specified rule conditions.
36.4.2.1A Controlled Activities	<ul style="list-style-type: none"> In the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water from a site into water, or onto or into land, where the stormwater or drainage water may enter water, Provided it complies with the specified rule conditions.
36.4.2.2 Controlled Activities	<ul style="list-style-type: none"> The discharge or diversion of stormwater or drainage water that does not comply with the conditions of rule 36.4.2.1. Provided it complies with the specified rule conditions.
36.4.2.3 Restricted Discretionary Activity	<ul style="list-style-type: none"> The discharge or diversion of stormwater or drainage water into water or onto or into land that does not comply with the conditions of rule 36.4.2.1, 36.4.2.1A or 36.4.2.2.
36.7 Terms of any Contaminant Discharge into Water	Sets out the terms that apply to the discharge of any contaminant into coastal water requiring a resource consent.
Schedules	
Schedule 36C	Water Classification for the Coastal Marine Area
Schedule 36D	Assessment Criteria for Discharges

Schedule 36C sets out the water classification for the CMA and is based on the Third Schedule of the RMA. The standards are mostly narrative and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent (see Appendix 2 on p.36).

Under rule 36.7.2, the discharge of any contaminant into coastal water that requires a resource consent cannot contravene the standards specified in Schedule 36C, after allowing for reasonable mixing and in combination with all existing lawful discharges into the receiving water.

Council's consent staff noted that they have not received many applications for discharges to the CMA. This is backed up by consent data, which shows that over the previous ten years (2010–2019) only 28 resource consent applications were received by TDC under the TRMP rule-sets above (27 new applications and one variation).¹⁴

¹⁴ Resource consent information was extracted from TDC's MagiQ-BI consents database using keyword searches (it is not possible to search by TRMP rule number). As a consequence, there may be relevant resource consent data that was not captured by the key words used, although this is anticipated to be a small number only.

In Figure 1 (below), the consents have been broken down to show that the majority of applications (13, or 48%) involve discharges from marine farms located in aquaculture management areas. Stormwater discharges account for six (22%) of the applications, and three applications (11%) involved the discharge of sediment to the CMA. Five applications (19%) involved the discharge of a range of contaminants, including chemicals used to clean the hulls of vessels for biosecurity purposes, heavy metals, hydrocarbons and suspended solids from stormwater runoff at the Richmond Resource Recovery Centre, and yard / truck wash and wastewater from a seafood processing plant.

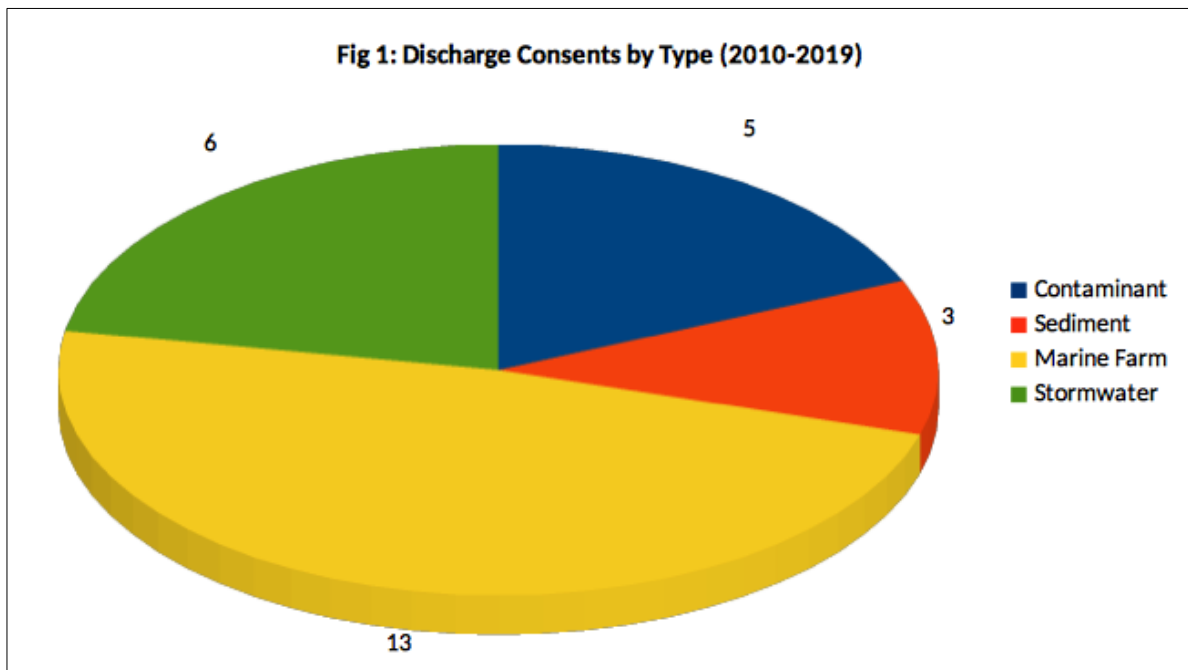
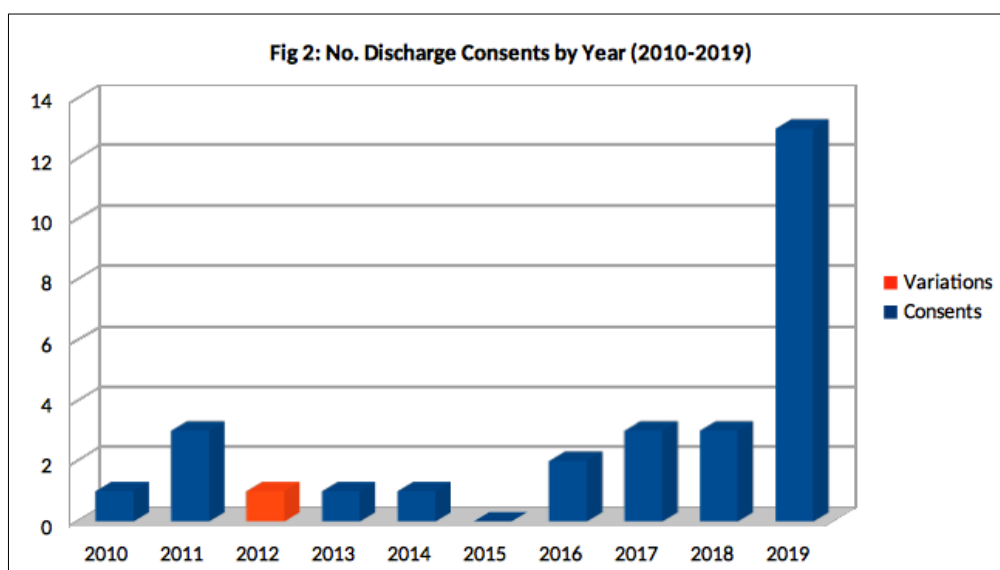


Figure 2 shows the number of consent applications received per year between 2010 and 2019. Except for 2019 there were less than four applications per year, with no new discharge applications in either 2012 or 2015. The spike in 2019 is due to the 13 applications for marine farm discharges.



As shown in Table 7 below, two-thirds of the consent applicants were from private enterprise, with aquaculture companies making up the bulk of this group. The other private applicants were two seafood processing companies (for wastewater and other discharges), a land development company (sediment discharge) and a private land owner (stormwater discharge).

Table 7: Consent Applicants by Agency

Consent Applicant	No. Consents	% of Total
Private Enterprise	18	67
Public Agencies (TDC, DoC)	9	33
TOTAL	27	100

Of the public agencies, TDC applied for seven consents over the ten year period with the Department of Conservation (DoC) applying for the other two. Activities requiring consent by TDC included stormwater discharges (2), discharge of contaminants to stormwater (2), discharge of sediment from the construction of a walkway/cycleway (2), and the discharge of contaminants into the CMA as a result of river management activities under the Soil Conservation and River Control Act 1941 (a global consent covering all Tasman rivers). DoC’s consents were for stormwater discharges from the expanded carpark at the Marahau terminus of the Abel Tasman coastal track, and sediment discharge during construction and maintenance of two multi-span bridges across Richardson Stream and Onetahuti Estuary in Abel Tasman National Park.

Of the 27 applications, 23 (85%) were processed on a non-notified basis and the remaining four were publicly notified. Three of the four TDC consent applications were notified. All consent applications were granted.

3.3.2 Examples of Resource Consent Applications for Discharges

A range of matters have been taken into account by consent staff when implementing the TRMP provisions, depending on the proposed activity and type of discharge.

Aquaculture Discharges

Aquaculture management areas (AMAs) provide for the development of marine farming activities in Tasman and Golden bays. The TRMP anticipates the effects of marine farming in these areas and provides guidance for decision makers via the discretionary activity rule for the temporary discharge of contaminants (naturally occurring material from the longlines) during harvest.

The long-term and cumulative effects of the use of AMAs were uncertain when the appeals on the proposed plan rules were being considered by the Environment Court and an adaptive management regime was provided to enable the development of the AMAs in a staged manner – subject to a comprehensive monitoring program and review of the monitoring results by Council with advice from the Ecological Advisory Group, which has been established to provide technical advice to assist the Council in managing any ecological effects of aquaculture.

Rule 36.2.3.2 (see Table 8 above) states that the discharge to coastal water of feed, therapeutants, waste material, contaminants arising from anti-fouling protection measures or any other

contaminant arising from the activity is a discretionary activity.¹⁵ There is a temporary discharge of naturally occurring material from the structures and mussels that occurs during mussel harvesting activities. This material falls within the definition of a contaminant.

Consent staff consider the effects of the discharge, including the intermittent and temporary discharges of naturally occurring material from the marine farm longlines during harvest. The assessment typically draws on information from extensive monitoring at other AMA sites in the District and modelling and monitoring at other sites in New Zealand, as well as a baseline assessment at the application site. The Ecological Advisory Group often peer review the assessment of environmental effects included in the applications. Schedule 36D in the TRMP provides additional guidance in the form of assessment criteria for assessing discharges from aquaculture.

The principal issues to be considered under Section 107 are the definition of “reasonable mixing” and the avoidance of the effects listed in Section 107. Reasonable mixing acknowledges that it is sometimes necessary and acceptable to allow for a mixing zone, an area of the receiving water in which the threshold of effects under subsection (1) are not met. The question of what zone is reasonable depends on the circumstances and the sensitivity of the receiving environment.

In some cases it is acknowledged that a discharge will generate the effects listed in Section 107(1)(c) and (d)¹⁶ in the vicinity of the site and will spread beyond the footprint of the farms when harvesting is being undertaken near the boundaries of the farms. However, because the effects are temporary and are confined to a mixing zone it is considered reasonable in the context. Monitoring indicates that any negative effects tend to be localised, variable between mussel farms, and dependant on the time of the year, tides etc. Overall the effect of aquaculture activities on Tasman and Golden Bays is considered to be minor at this stage of development.

Stormwater Discharges

Stormwater discharges to the CMA are addressed by rule-set 36.4 (see (Table 8 above). Consent applications received over the past 10 years have involved discharges from larger catchments as well as from single properties. Two of the biggest applications were lodged by TDC for discharges from a residential catchment in Ruby Bay, and from the Mixed Business zoned and residential development at Lower Queen St, Richmond.

In assessing the applications, the TRMP identifies a range of matters that consent staff can take into account when deciding on the proposals and setting conditions, including:

- Measures to avoid or mitigate sediment generation or movement during earthworks in connection with development of land in the area to be drained by the discharge or diversion.
- The nature, design and location of outfall structures.
- Effects of the discharge or diversion on downstream flooding or erosion.
- Alternative stormwater disposal systems or methods.
- Provision for secondary flowpaths for the discharge or diversion.

15 Consent is also required under the TRMP to occupy and disturb the coastal marine area in association with the placement, use, maintenance and repair of structures for marine farming. This is dealt with under Chapters 21 and 22 of the TRMP and discussed in those chapter evaluation reports.

16 RMA 107(1)(c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (d) any conspicuous change in the colour or visual clarity.

- Actual or potential adverse effects of the discharge or diversion on aquatic ecosystems and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.
- Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.
- The potential for any contaminant or waste materials to enter the stormwater.

In the Ruby Bay application, the assessment determined that there were no significant habitats or vegetation in the vicinity of the proposed works, and the foreshore subject to the discharge consists of highly mobile unconsolidated sand and gravel with very limited ecological value. The residential catchment for the stormwater was expected to contain little if any contaminants, with no commercial or industrial activities being located there.

Additionally, a range of pre-discharge stormwater treatment was proposed, including stormwater travelling through a detention pond and the trapping of sediments from the road run-off by catch pit grates and sumps.

In the Richmond application, the capacity of the stormwater pipe and drain were assessed to ensure it would cope in a significant rainfall. As well, a wetland area proposed as part of the application was expected to be able to contain at least a 100 year event.

An assessment of effects of the discharge on water quality determined that contaminants will be mostly limited to those associated with impervious surfaces such as roads, car parks and roof areas, to be treated using on-site measures, such as sumps, before being discharged into the Council network. The use of plantings was also proposed in the open drain to provide filtration, and the proposed wetland area would provide additional treatment to ensure contaminants are not discharged directly into the Waimea Inlet.

Conditions of consent on the stormwater applications aim to ensure the stormwater infrastructure is designed and constructed as approved, and that the discharges do not exceed expected levels of contaminants or disturbance to the environment where the discharge enters the CMA. Monitoring is required to make sure the conditions are complied with.

Sediment Discharges

Applications to discharge sediment to the CMA were concerned with short-term effects during the construction phase. In regard to the Moutere Estuary walkway / cycleway, the applicant (TDC) was required to prepare and adhere to a Plant Establishment and Maintenance Plan and a Sediment Control Plan in order to ensure that the discharge of sediment into estuary waters was minimised as far as practicable.

With regard to the application for the two bridges within the Abel Tasman National Park, the effects of the discharge of sediment was anticipated to be minor. The construction methodology, including the driving of piles, was only expected to result in minor disturbance and discharge. It was noted that the foreshore is composed of coarse Separation Point Granite sands with limited ecological values, and that the intertidal area within this section of the Park is dynamic, with sand moving in and out of the estuary with each tidal cycle. It was therefore anticipated that the disturbance and release of additional sand will have a temporary and less than minor adverse effect on the receiving environment.

Contaminant Discharges

The most significant of the applications dealing with contaminant discharges relates to the Talley's food processing plant in Motueka. A number of activities required consent associated with the existing operation of the processing complex, including ongoing discharges to the Moutere Estuary. The discharges contain condenser water, brine, wash-down water, stormwater, ice cream plant and shellfish and fish processing shed effluent.

Matters that require assessment under the TRMP discharge provisions include:

- The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge.
- The scale, location, duration and potential adverse effects of the activity.
- The level of treatment provided by, and the adequacy of, the proposed discharge collection, treatment and disposal system.
- The concentrations and loadings of contaminants in the discharge.
- The nature and sensitivity of the receiving environment and the likely effects of the proposed discharge either by itself or in combination with existing discharges.
- The adequacy of the Assessment of Environmental Effects.
- Any assessment of alternatives, whether or not the proposed treatment and disposal system is the best practicable option and the degree of compliance with relevant industry codes of practice.

The application was publicly notified and decided upon by independent commissioners following a resource consent hearing. Consent staff state that the TRMP provisions provided good support for the assessment of the application and enabled improvements to proposed activities in order to avoid or minimise adverse effects.

Ecological and Cultural Effects

A range of ecological effects arising from the discharges were identified during the hearing, namely:

1. An increase in organic loading to the estuary from the discharges from 2001 to 2013, with the discharge from ice-cream/fishmeal processing line likely to be the major source; and
2. Evidence for a small increase in benthic enrichment attributable to organic loading from the discharges limited to locations within 150 m of the discharge outfalls.

The commissioners found that the point source discharges, in combination with catchment wide non-point discharges are degrading the quality of the estuary and are likely to be causing cumulative effects on ecological values in the estuary.

The commissioners heard evidence from Ngāti Kuia, Wakatu Incorporated and Ngāti Rarua who stated that the applicants had not provided a cultural impact assessment of the proposed activities. The existing wastewater discharges were contributing to the existing degradation of the estuary and are therefore adversely affecting the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. The activities are within a customary title area where kaimoana is gathered. The commissioners agreed that it was necessary for the applicant to consult with tangata whenua to understand their cultural values before adverse effects on these values can be avoided, remedied and mitigated.

Assessment against TRMP Provisions

The provisions of the NZCPS were given considerable weight when assessing the effects of the application. In support, the commissioners found the TRMP provisions were:

“very directive requiring maintenance of water quality and enhancement where it has been degraded (Objective 35.1.2), to control the adverse effects of discharges to enable water classification standards to be met (Policy 35.1.3.2), to seek to improve water quality (Policy 35.1.3.3), to ensure water quality is not degraded (Policy 35.1.3.4), and to avoid adverse effects of point source discharges (Policy 35.1.3.5)”.

They further noted that Policy 35.1.3.8 requires the avoidance of discharges of untreated wastewater unless it better meets the purpose of the Act than disposal to land and there has been consultation with tangata whenua and with the community generally, but there had been no consultation with tangata whenua or the community generally.

When considering Policy 35.1.3.6 regarding criteria to be taken into account when determining what constitutes reasonable mixing, the commissioners found that there was insufficient information to determine this, particularly during low and high tide. The evidence suggested there may be no reasonable mixing during certain times of the tidal cycle.

Overall, the commissioners found that the applicant had provided insufficient information to demonstrate consistency with the relevant objectives and policies aimed at maintaining and enhancing ecosystems and protecting the quality of the environment. As a result, they did not have sufficient certainty that the proposed upgrades would sufficiently avoid and mitigate adverse effects on water quality, recreational and amenity values, and cultural values.

Determination

The Hearings Committee concluded that the wastewater discharges are contributing approximately 41% of the estimated nitrogen load to the estuary, that these nutrient loads are degrading the water quality, and in combination with non-point source discharges from the wider catchment, are increasing nuisance macroalgal growth and degrading the quality of the environment.

Additionally, high levels of bacterial contamination in the discharges were found to be further degrading water quality and may result in breaches of the water classification standards. The source of high levels of faecal concentrations in the discharges was unknown, and existing and proposed wastewater treatment is not likely to address such contamination.

Overall, the commissioners found that the consent applications involving discharges to the CMA could only be granted for a short period (three years) to enable the applicant to implement planned upgrades, assess the effects of the activities after commissioning the upgrades, to provide further information to support the grant of consent, and to demonstrate the avoidance and mitigation of adverse effects on the receiving environment.

3.3.3 Implications for Discharge Provisions

On the whole, council staff report that the provisions for discharges to the CMA work well. There are few consents and applicants tend to be well resourced and provide good information to base decisions on (the Talley’s example being an obvious exception).

Key areas where the TRMP could be improved include:

Managing Effects of ‘Upstream’ Activities

The TRMP provisions deal most effectively with point source (i.e. ‘end of pipe’) discharges, but non-point ‘diffuse’ discharges are not well addressed. These include sedimentation of rivers and streams from land development, which ends up being transported into the District’s coastal bays, and runoff from sewage, stock effluent, fertilisers and land disturbance, which can increase the amount of nutrients in estuaries. As shown in Table 8 below, these discharges have an influence on coastal water quality.

The close connection between land use activities and effects on coastal water quality requires stronger integration between TRMP provisions relating to land and the CMA. To this end, the NZCPS anticipates the need for managing effects and activities across the CMA-land boundary.

Determining Need for Aquaculture Discharge Consent

A question raised by consent staff is whether there is a need for a separate discharge consent for the temporary discharge during harvest. They point out that naturally occurring material discharged from marine farms is addressed as part of the package of rules for marine farm structures and occupation of the CMA (discussed in the Chapter 21 and 22 Evaluation Reports).

However, marine farms are also required to apply for a separate consent for temporary discharge during harvest. Consent staff have asked for clarity around whether a separate discharge consent is required; the question being whether or not the discharges that occur during harvest have acceptable effects that are within the bounds of what was expected when the AMAs were established.

Water Classification and Standards

With regard to Schedule 36C, consent staff noted that the water classification for contact recreation sets a high standard and has been helpful in achieving better consent outcomes. However, they have found that other water quality standards in the Schedule are “too grey”, and need to be specific and provide more certainty when assessing against discharge consent applications. Schedule 36C also refers to outdated reference documents.

Tangata Whenua Interests

A general observation made about the TRMP is the need for a more consistent approach to addressing matters of significance to Māori.¹⁷ An assessment of internal consistency of the regional provisions of the TRMP concluded that iwi issues were weakly implemented, particularly in relation to freshwater management and coastal values, and sites of significance both in relation to freshwater resources and coastal marine area locations.¹⁸

For instance, the regional coastal plan does not include a chapter or section explicitly addressing the relationship of Māori with the coastal environment. With respect to Chapter 35, Policy 35.1.3.8 does seek “To avoid the discharge of untreated wastewater to the coastal marine area unless it better meets the purpose of the Act than disposal to land and there has been consultation with the tangata

17 Mason (2019) *Stage 1 of Tasman Regional Policy Statement Efficiency and Effectiveness Review: Integrated Management*. Prepared for Tasman District Council.

18 Leusink-Sladen (2019) *Policy Mapping - Review of the Internal Consistency and Integrity of Plan Objectives, Policies and Rules: Parts III – VI*. Prepared for Tasman District Council.

whenua and with the community generally”. However, nowhere within the rules are tangata whenua values identified.

‘Treaty Values’ are defined in the TRMP and include: (a) pollution and degradation of kaimoana beds; (b) degradation of customary fisheries ecosystems; (c) imposition and lifting of tapu rahui; and (d) access to customary coastal resources. However, an assessment of the effects of discharges on these values is required only in relation to aquaculture.¹⁹

3.3.4 State of the Environment Monitoring Data

The State of the Bays Report 2016²⁰

A study by the Cawthron Institute published in 2016 provided a summary of the conditions in the Tasman and Golden Bays based on available information relevant to a state of the environment assessment. As the coastal seas are the receiving environment for activities that occur ‘upstream’, the study considered aspects of coastal catchments that impact the marine ecosystem, including changes in land cover, freshwater quality, and ecosystem health.

Table 8 below summarises the findings from the study by identifying the key issues relevant to contaminant discharges and coastal water quality, their main causes, their degree of significance, and high level implications.

Table 8: Summary of Coastal Environment Monitoring Data and Implications for TRMP Review

Issue	Cause	Significance	Implications
<p>Primary Productivity</p> <ul style="list-style-type: none"> Problem growths of seaweeds or microalgae; some microalgae produce toxins that can be harmful to marine organisms or humans. 	<ul style="list-style-type: none"> Excessive nutrient run-off (especially nitrogen) from land via sewage, stock effluent, industrial waste, fertilisers, and land disturbance. 	<ul style="list-style-type: none"> Most nitrogen input into the Bays (90%) comes from natural oceanic upwelling; Nearshore and local-scale effects may occur where nutrient inputs are high; Estuaries are more susceptible to blooms than outer coast; No evidence of undesirable levels of phytoplankton removal due to mussel farming; Overall, the region is a low risk of large scale 	<ul style="list-style-type: none"> Maintain controls on nutrient inputs to ensure problems do not occur; Ensure mussel farming develops at sustainable levels to avoid depletion of phytoplankton communities.

19 It should be noted that MARPOL regulations can also override iwi aspirations irrespective of TRMP policy.

20 Newcombe E, Clark D, Gillespie P, Morrisey D, MacKenzie L 2015. *Assessing the State of the Marine Environment in Tasman Bay and Golden Bay*. Prepared for Nelson City Council and Tasman District Council. Cawthron Report No. 2716. 70 p. plus appendix.

Issue	Cause	Significance	Implications
		nutrient-related impacts.	
<p>Sedimentation</p> <ul style="list-style-type: none"> Increases in sediment deposition can drastically increase the amount of muddy habitat, which can reduce estuarine biodiversity with follow-on effects to the coastal food-web; Fine sediments in the sea reduce light levels, clog gills of shellfish, prevent plants and animals from settling, and bury organisms and habitat. 	<ul style="list-style-type: none"> Increases in sediment deposition from human activity on land, including land use changes and disturbance. Sediments washed into the Bays from rivers during storm events; Re-suspension of settled sediment in the water column by ocean waves and currents. 	<ul style="list-style-type: none"> Input of fine-grained sediment is a significant issue for Tasman and Golden Bay estuaries; Very fine surface sediments are common in both Bays; Over past 20 years land-based sediment inputs have not been especially high; Re-suspension is possibly a greater stressor than new sediment input. 	<ul style="list-style-type: none"> Reductions in sediment levels in the water column can be made by both limiting sediment input from land (e.g. by controls land disturbance), and by reducing disturbance of the seabed.
<p>Habitat Integrity</p> <ul style="list-style-type: none"> Changes to the features of a habitat, such as the amount or type of sediment or the loss of key plants or animals that create structure, will affect biodiversity and habitat-integrity. 	<ul style="list-style-type: none"> Disturbance by fishing has substantially modified soft-sediment habitats within the Bays by homogenising sediments and reducing habitat integrity over much of the seafloor. 	<ul style="list-style-type: none"> Many of the remaining seabed communities are characteristic of a highly disturbed environment Extent and status of remaining healthy biogenic habitat is not well understood; Less is known about rocky reef habitats in the Bays, but it is likely that there have been food-web effects (for example increases in kina abundance and a reduction in seaweed abundance) relating to the removal of large fish in many areas. 	<ul style="list-style-type: none"> Protection of habitat integrity by limiting disturbance; Establishment of marine reserves to increase biogenic habitat; Monitoring of marine reserves, especially habitat-forming species such as large seaweeds, horse mussels, bryozoans and sponges.
<p>Contamination</p> <ul style="list-style-type: none"> <u>Bacterial</u>: can cause problems for human health, either by 	<ul style="list-style-type: none"> Microbial source tracking (MST) identified the main source of faecal 	<ul style="list-style-type: none"> <u>Bacterial</u> contamination appears to be low in coastal waters of the 	<ul style="list-style-type: none"> Need to more clearly identify the key sources of <u>bacterial</u> contamination using

Issue	Cause	Significance	Implications
<p>contact with the water, or by consuming animals that are contaminated (primarily filter-feeding shellfish).</p> <ul style="list-style-type: none"> • Chemical: Toxic chemicals can kill marine species, or reduce their ability to grow and reproduce. Human health can be affected if contaminants accumulate in the bodies of animals that we consume. 	<p>indicator <u>bacteria</u> was farm animals (cows or sheep);</p> <ul style="list-style-type: none"> • Activities that are potential sources of <u>chemical</u> contamination include dredge spoil disposal and hull cleaning. 	<p>Bays, but occasional peaks do occur;</p> <ul style="list-style-type: none"> • Faecal indicator bacteria in Tasman Bay increase during high river flows and this contamination can be detected at least 6 km off shore. • Overall <u>chemical</u> contamination occurs at low levels and many sources are reducing; • There is some localised contamination, e.g. at Mapua. 	<p>MST, combined with more intensive sampling in coastal, estuarine, and freshwater environments.</p> <ul style="list-style-type: none"> • Effects on the environment of emerging <u>chemical</u> contaminants need to be better understood, e.g. compounds found in personal care products.
<p>Biosecurity</p> <ul style="list-style-type: none"> • Invasive species compete with native species, and foul boats and equipment. This can have negative effects for ecological, recreational, commercial, and cultural reasons. 	<ul style="list-style-type: none"> • Introduction of pest species from boat's arriving in ports. 	<ul style="list-style-type: none"> • Biosecurity surveys at ports within the Bays have found a number of established invasive species, but substantial negative impacts have not been documented. 	<ul style="list-style-type: none"> • The Top of the South Biosecurity Partnership is working to reduce the risks and impacts of marine invasions in Tasman, Nelson and Marlborough.

Table 9 presents a one line overview for each of the issues discussed above, identifies whether there is a detectable trend, and classifies the quality of the available data.

Table 9: Assessing the state of the marine environment in Tasman Bay and Golden Bay: themes, state, trends, and data quality²¹

Theme	State	Trend	Data quality ²²
Primary productivity - water column	Not greatly increased by nutrient input, possibly reduced by water column sediment shading.	Unknown	Medium (TASCAM), potential for emerging technologies
Primary productivity - seabed	Probably reduced by water column sediment shading and loss of seaweed forests.	Unknown	Low
Sedimentation	Unknown	Unknown	Low
Habitats (Habitat integrity) soft sediments	High disturbance causing homogenisation and fine seabed surface.	Unknown	Low
Habitats (Habitat integrity) rocky reefs	Probably seriously degraded, seaweed forests likely very reduced.	Unknown	Low
Toxic chemical contamination	Minor detectability of some contaminants.	Unknown	Medium
Faecal contamination	Widespread contamination from diffuse sources.	Unknown	Medium
Biosecurity/invasive species	Non-native species repeatedly being transported to the region.	Pressure increasing, but improving biosecurity networks	Medium

Eutrophication Susceptibility²³ and Trophic State of Estuaries in the Tasman Region 2018²⁴

A 2018 study into the state of Tasman’s estuaries reported with similar findings to that summarised in Tables 8 and 9 above. The TDC commissioned study estimated the physical and nutrient load susceptibility and trophic state of Tasman estuaries based on a range of key indicators such as macroalgal biomass, total nitrogen, total organic content, and dissolved oxygen.

The overall conclusion was that:

The results show that the majority of estuaries in the Tasman region are currently rated as very good or good in terms of trophic state, indicating nutrient enrichment is not causing significant estuary degradation in most areas. The estuaries with the greatest eutrophication degradation were the larger

21 This table comes from: p.15, Newcombe, E 2016. State of the Bays: Tasman Bay and Golden Bay Marine Environments. Prepared for Nelson City Council and Tasman District Council. Cawthron Report No. 2891 15 p.

<http://envirolink.govt.nz/assets/Envirolink/1643-TSDC121-State-of-the-Bays-Tasman-and-Golden-Bay-marine-environments.pdf>

22 Data quality classifications: Non-existent = indirect information sources (e.g. anecdotal, estimated) only Low = some direct measurement, not ongoing Medium = measured on more than one occasion but inconsistent methods High = repeated consistent measurements available

²³ Eutrophication refers to the over-enrichment of nutrients leading to excessive algal growth.

24 Stevens, L.M. and Rayes, C. 2018. Summary of the Eutrophication Susceptibility and Trophic State of Estuaries in the Tasman Region. Report prepared by Wriggle Coastal Management for Tasman District Council. 16p.

estuaries, e.g. Waimea Inlet and Moutere Inlet. The very good ecological status on the West Coast reflects smaller sized well-flushed estuaries with a predominantly native forest catchment. Abel Tasman estuaries are in good condition but specific data are currently unavailable for their assessment (p.1).

Waimea and Moutere Sediment Sources Study 2018²⁵

As noted in Table 8, sediment input into the CMA is a significant issue in Tasman. Another 2018 report prepared for TDC by the National Institute of Water and Atmospheric Research Ltd (NIWA) has helped to identify the sources of sediment being deposited in the Waimea and Moutere estuaries.

The study found that sediment in the Waimea Catchment could be attributed to soil erosion following harvesting of pine forests and 'legacy sediment' from bank and hillside erosion.

In the Moutere Catchment, sediment was found to be caused by 'bank erosion', possibly attributable to hill-slope erosion following the removal of tree root boles and recontouring for conversion from pine to pasture. Further down the catchment sediment was linked to harvested pine forest, with only a small amount of pasture contribution. Almost 90 % of the sediment at the Moutere River mouth was identified as being of pine forest origin.

The key findings of the report were:

- Native forest and mature pine forest plantations were found to produce very little sediment.
- A substantial proportion of fine sediment was found to originate from forest harvesting, although loads could not be calculated without additional mass transport data.
- Areas of harvested production forest can become colonised by gorse, broom and other weed species if not replanted in pine or before canopy closure by replanted pines. These weedy species are less efficient at protecting the soil from rainfall than a closed canopy forest and provide a distinctive sediment CSSI signature.
- Bank erosion is a major source of fine sediment.
- The Waimea Estuary is receiving a high proportion of legacy sediment from bank erosion but is also receiving sediment from harvested pine forest at various locations down the river, particularly the Wairoa, Lee and Roding catchments.

Moutere Estuary is receiving a high proportion of sediment directly attributable to pine forest harvesting. This sediment may be travelling through the Moutere River system rapidly and being flocced out at the river mouth when it contacts the more saline sea water. Some of this sediment may be derived from recent harvesting in the Central Road tributary.

3.4 Effectiveness and Efficiency

This section provides an analysis of the efficiency and effectiveness of Chapter 35 of the TRMP. It focuses on the achievement of objectives contained within the chapter. The analysis draws on the information from earlier sections, including environmental data, council records, and the opinion of experienced plan users.

25 Gibbs, M. & Woodward, B. 2018. *Waimea and Moutere Sediment Sources by Land Use*. Prepared for Tasman District Council.

3.4.1 Discharges to the CMA

Objective	Analysis	Rating of Achievement
<p>Objective 35.1.2 The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:</p> <p>(a) maintaining existing water quality; and (b) enhancing water quality where existing quality is degraded for natural and human uses or values.</p> <p>Policy set 35.1.3.1 – 35.1.3.14</p>	<p>The ‘on-track to achieve score’ relates to the effectiveness of the Chapter 35 provisions for point source discharges.</p> <p>Overall, activities requiring resource consent for discharges to the CMA are limited with only approximately 27 applications being made over the past ten years.</p> <p>Half of these have been for temporary aquaculture discharges during harvest. The effects of aquaculture on the marine environment were anticipated in the creation of the AMAs through extensive Environment Court deliberations, and monitoring data shows that effects on water quality and benthic communities is localised and minor. This will need to be regularly reviewed as more aquaculture activities are consented and the AMAs become more intensively used.</p> <p>For other discharges, the TRMP provisions have enabled relevant effects to be accurately identified and assessed against a wide range of matters contained in the rules (Chapter 36). Best practice options for avoiding or minimising effects of discharges were often adopted by applicants or required through conditions of consent.</p> <p>The Chapter 35 provisions were found to be robust when tested against a large resource consent application that failed to meet the required standards for discharges to the CMA. The hearing commissioners in that case noted that the objectives and policies were “very directive” and assisted in ensuring changes were made to the application to improve overall outcomes. Consent staff have similarly found the Chapter 35 provisions to be good to implement.</p> <p>Key shortcomings with the Chapter include the challenge of managing non-point source discharges (discussed below), the possible duplication of consent requirements for aquaculture discharges, the need for more specific and certain water classification standards, and the lack of provisions addressing tangata whenua interests in the coast.</p>	<p>On track to achieve</p>
	<p>The ‘has not achieved’ score relates to the effectiveness of the TRMP provisions for managing non-point source discharges. This includes land use activities that cause sedimentation and nutrient runoff into rivers and streams, which ultimately makes it’s way into the CMA. Monitoring data reveals that the TRMP has not achieved it’s aims of avoiding or minimising the effects of diffuse discharges from land to the coastal environment.²⁶</p> <p>This is beyond the ability of Chapter 35 to address, and instead relies upon integration between the provisions in Part II of the TRMP (the district plan provisions) and the objectives and policies in the regional coastal plan. Such integration is anticipated by the NZCPS 2010 and needs to be addressed as part of the TRMP review.</p>	<p>Has not achieved</p>

26 For instance, see the Coastal Tasman Area Evaluation Report and the Chapter 12 Evaluation Report on land disturbance.

Appendix 1: Iwi Management Plan Provisions Relating to Discharges to the Coastal Marine Area

Examples of provisions from Te Tau Ihu Iwi Management Plans relevant to the matters addressed in Chapter 35 are shown below. For the full text please refer the individual plans.

Issues Regarding Discharges to the CMA

- The principle of ki uta ki tai - the flow of water from the source to the sea, recognises the interconnected nature of rivers, lakes, wetlands, wai puna and the coastal environment. Upstream activities have the potential to degrade the mauri of estuarine and seaward areas. For example cumulative effects on coastal water from runoff and discharges into fresh water upstream;
- Activities leading to a reduction in the water quality of marine and coastal environments are of great concern, including: a) the discharge of contaminants into marine environments from stormwater and sewerage systems; b) septic tanks; c) trade waste; d) hospital and hospice waste; and e) agricultural runoff.
- The dumping or discharge of pollutants into fragile ecosystems often results in the destruction of habitats vital for the survival of indigenous flora and fauna. This degrades the mauri (life force) and wairua (spiritual essence) of Tangaroa and Hine-moana. Mahinga kai (food gathering places) are subsequently degraded or lost.
- The siting of waste disposal facilities or dumping of waste in close proximity to coastal environments is of concern and risks contamination of highly valued ecosystems and associated mahinga mataitai.
- The placement of sewage pipelines across estuary areas or next to coastal ecosystems is also an affront to Tangaroa and tangata whenua.
- The discharge of hazardous substances has the potential to desecrate or destroy tangata whenua values associated with the sea, including indigenous flora and fauna, waahi tapu (sacred places) and mahinga kai (food gathering places).
- The release of ballast water into sensitive marine and coastal environments can lead to the introduction of waters or life forms from other places, including introducing pests, and have the potential to disrupt existing ecosystems and habitats, which support indigenous marine flora and fauna.
- The risk of one-off coastal disasters such as oil spills and accidental vessel groundings.
- Mining and quarrying in the coastal environment has the potential to reduce the life supporting capacity of coastal ecosystems, e.g. heavy metal/ contaminant run off into coastal waters.
- Many marine birds found within the coastal areas are taonga species. However these taonga are at risk from pollution such as the discharge of water and the presence of plastics (which can be mistaken for food and fed to young birds);

Desired Outcomes

- Recognition of the role of tangata whenua as rangatira and kaitiaki of nga taonga tuku iho.
- Tangata whenua, as kaitiaki, will be effective in ensuring that the mauri or essential life principle of the natural world within the rohe is maintained and enhanced.
- The coastal marine environment is managed in an integrated way, recognising the interconnected nature of water environments, and inland areas with the coastal environments.
- The integrity of the coastal marine habitat, inclusive of saltwater wetlands and the coastal riparian habitat, which forms the coastal marine ecosystem, will be a priority outcome for the community and all the managers of the rohe.
- Coastal waters are healthy and maintained to a level sufficient to preserve the mauri (life force) of the water body. The mauri of indigenous habitats which support indigenous species is protected.

- Water is protected from being used as a medium for transporting and treating waste, and waste water is treated to the highest standard possible before being discharged to land.
- The health of wāhi tapu and wāhi taonga is paramount in relation to the use of hazardous substances or introduction of new organisms.
- Culturally significant coastal areas and landscapes, and nursery and spawning areas, are protected from mining and extraction activities.
- Marine and coastal bird nesting and feeding areas are protected from developments in marine coastal areas.
- Tangata whenua are able to access healthy kai moana from coastal marine environments.

Appendix 2: TRMP Schedule 36C - Water Classification for the Coastal Marine Area

Coastal Waters	Coastal waters shown on the Coastal Marine Area planning maps as Class FAE
Class	FAE – Management for aquatic ecosystems, fisheries, and fish spawning
Standards	<ol style="list-style-type: none"> 1. The natural temperature of the water must not be changed by more than 2 degrees Celsius. 2. The following must not be allowed if they have an adverse effect on aquatic life: <ol style="list-style-type: none"> (a) any pH change; (b) any increase in the deposition of matter on the bed of any coastal marine area; (c) any discharge of a contaminant into the water. 3. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation. 4. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 5. Fish must not be rendered unsuitable for human consumption by the presence of contaminants.
Coastal Waters	Coastal waters shown on the Coastal Marine Area planning maps as Class SG
Class	SG – Management for shellfish gathering
Standards	<ol style="list-style-type: none"> 1. The natural temperature of the water must not be changed by more than 2 degrees Celsius. 2. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation. 3. There must be no significant adverse effect on shellfish as a result of any discharge of a contaminant. 4. Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants. 5. The median faecal coliform content of samples taken over a shellfish gathering season must not exceed 14 MPN per 100 millilitres, and not more than 10 percent of samples should exceed 43 MPN per 100 millilitres.
Coastal Waters	Coastal waters shown on the Coastal Marine Area planning maps as Class CR
Class	CR – Management for contact recreation
Standards	<ol style="list-style-type: none"> 1. The visual clarity of the water must not be so low as to be unsuitable for bathing. 2. The water must not be rendered unsuitable for bathing by the presence of contaminants. 3. There must be no undesirable biological growths as a result of any discharge of a contaminant. 4. The running median of samples taken over the bathing season must not exceed 35 enterococci per 100 millilitres. 5. No sample must exceed 136 enterococci per 100 millilitres.
Coastal Waters	Coastal waters shown on the Coastal Marine Area planning maps as Class A
Class	A – Management for aesthetics
Standards	The quality of the water must not be altered in those characteristics which have a direct bearing upon the aesthetic quality of the seascape for passive recreation, including visual colour and clarity, films, scums and floatables, undesirable biological growths, and odours.
Notes:	
<ol style="list-style-type: none"> (1) The classes and standards are based on the Third Schedule of the Act. (2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body. (3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including: <ol style="list-style-type: none"> (a) NZECC Water Quality Guidelines for Marine and Freshwater (b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity (c) Ministry for the Environment Water Quality Guidelines: Biological Growths (d) Drinking Water Standards: Department of Health. 	