

TOPIC – Discharges to Coastal Marine Area	TRMP Chapter 35
<b>ISSUES</b>	
<p>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. Activities under the TRMP 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 for aquaculture discharges during harvest. Monitoring data from harvesting shows that effects on water quality and benthic communities is localised and minor. For other discharges the provisions have enabled relevant effects to be accurately identified and assessed against a wide range of matters contained in the rules. The policies and rules for non-point source discharges from land activities have not been effective in avoiding or minimising the effects of diffuse discharges from land to the coastal environment. However, the management of non-point source discharges relies on integration between the district plan provisions and the objectives and policies of the regional coastal plan.</p>	
<b>MANDATORY STATUTORY REQUIREMENTS</b>	
<p>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. RMA ss61 (2A) and 66(2A) were also amended to require regional councils to ‘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.</p> <p>There are also 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 fulfil their kaitiaki and customary roles is also an important requirement.</p> <p>The National Policy Statement for Freshwater Management 2014 (amended 2017) 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). Policy directs regional councils to manage fresh water and land use development in whole catchments in an integrated way. Resource Management (Marine Pollution) Regulations 1998 cover discharges of oil, noxious liquids, sewerage, garbage and ballast water. A rule may only be included in a coastal plan for discharges if it increases the distances specified in the Regulations. The Biosecurity Act sets out the requirements for the discharge of ships’ ballast water from ships visiting from overseas. Maritime Transport Act 1994-Marine protection rules made under this Act provide for both marine safety and pollution prevention within the coastal marine area and EEZ. The Maritime Transport 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.</p>	
<b>RECOMMENDATIONS</b>	
<ol style="list-style-type: none"> <li>1. Review policy framework to give full effect to NZCPS 2010 requirements for water quality, natural character, sedimentation and contaminant discharges.</li> <li>2. Review policy framework to give full effect to NPS-FM requirements to recognise the interactions between fresh water, land, associated ecosystems and the coastal environment.</li> <li>3. Ensure integrated management of activities across marine and land boundary.</li> <li>4. Review the provisions of marine facilities within the district and ensure that adequate facilities are provided to avoid land and water contamination.</li> <li>5. Update Schedule 36C to provide more specific and certain water classification standards, and to amend references to outdated information.</li> </ol>	