


5.2 Discharges to water

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whitua Chapters 7 – 11.¹

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.²

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Discharges to water	Page	P	C	RD	D	NC	Pr
Water discharges	127						
Rule R42: Minor discharges	127	•					
Rule R43: Water to water	129	•					
Rule R44: Pool and spa pool water	129	•					
Rule R45: Potable water	129	•					
Rule R46: Dye or salt tracer	130	•					
Rule R47: Other dye or salt tracer	131		•				

¹ s42A report: Overall policy framework of the proposed Plan, Issue 1.3

² s42A report: Overall policy framework of the proposed Plan, Issue 1.2

Rules – Discharges to water	Page	P	C	RD	D	NC	Pr
Stormwater	131						
Rule R48: Stormwater from an individual property	131	•					
Rule R49: Stormwater to land	132	•					
Rule R50: Stormwater from a local authority network at plan notification	132		•				
Rule R51: Stormwater from a local authority network two years after public notification	133			•			
Rule R52: Stormwater from large sites	133			•			
Rule R53: All other stormwater	134				•		
Contaminated land and hazardous substances	134						
Rule R54: Site investigation	134	•					
Rule R55: Discharges from contaminated land	134	•					
Rule R56: Discharges from contaminated land	135				•		
Rule R57: Discharge of hazardous substances	135					•	
Water races and pumped drainage schemes	135						
Rule R58: Water races	135				•		
Rule R59: Existing pumped drainage schemes	135	•					
Rule R60: All other pumped drainage schemes	135				•		
Wastewater	136						
Rule R61: Existing wastewater	136				•		
Rule R62: New wastewater to fresh water	136					•	
Rule R63: Wastewater from ships and offshore installations	136	•					
Rule R64: Wastewater from ships and offshore installations	136					•	
Biofoul cleaning	136						
Rule R65: In-water biofoul cleaning	136	•					
Rule R66: In-water biofoul cleaning	137				•		
All other discharges	137						
Rule R67: Discharges inside sites of significance	137					•	
Rule R68: All other discharges	137				•		

5.2.1 Discharges to water other methods



The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M7, M8, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, M25, M26, M27, and M28.

5.2.2 Water discharges

Rule R42: Minor discharges – permitted activity



The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met:

- (a) where the discharge may enter groundwater, the discharge is not located within 50m of a **bore** used for water abstraction for potable supply or stock water, and
- (b) where the discharge enters a **surface water body** or coastal water, the concentration of total suspended solids in the discharge shall not exceed:
 - (i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids concentration in the receiving water is greater than 50g/m³ in which case the decrease in water clarity after the **zone of reasonable mixing** shall not exceed 20%, or
 - (ii) 100g/m³ where the discharge enters any other water, except when the background total suspended solids concentration in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the **zone of reasonable mixing** shall not exceed 33%, and
- (c) if the discharge is from **dewatering**, the discharge is not from **contaminated land**, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (e) the discharge shall not give rise to the following effects after the **zone of reasonable mixing**:
 - (i) a change in the pH of ± 0.5 pH unit, or
 - (ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (iii) any conspicuous change in the colour or visual clarity, or
 - (iv) any emission of objectionable odour, or
 - (v) the fresh water is unsuitable for consumption by farm animals, or

(vi) any significant adverse effects on aquatic life.

Note

Discharges related to **pumping tests** are provided for under Rule R139.

Rule R43: Water to water – permitted activity



The discharge of water into water is a permitted activity, provided the following conditions are met:

- (a) the discharge is to the same water body or area of coastal water it was taken from, and
- (b) the quality of the discharged water is the same as or better than the quality of the water body or area of coastal water it was taken from, and
- (c) the discharge shall not cause a change in temperature of more than 2°C in the receiving water after the **zone of reasonable mixing**, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

Rule R44: Pool and spa pool water – permitted activity



The discharge of water into water, or onto or into land where it may enter water from a swimming pool, or spa pool, on a residential **property** is a permitted activity provided the following conditions are met:

- (a) the discharge is not into a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), and
- (b) the discharge shall not contain any filter backwash water, copper chemicals or flocculants, including, but not limited to, aluminium salts, and
- (c) the swimming pool or spa pool is not covered, and has not been treated within the previous 14 days with a pool sanitising agent, including, but not limited to, chlorine, bromine or polyhexamethylene biguanide, and
- (d) if the discharge enters fresh water, the discharge is not from a saltwater pool, and
- (e) the discharge shall not result in water or contaminants discharging onto another **property**.

Rule R45: Potable water – permitted activity



The discharge of potable water, including scouring water, into water, or onto or into land where it may enter water, for the purpose of draining pipelines or water reservoirs for inspection, repair, maintenance or upgrade is a permitted activity provided the following conditions are met:

- (a) if the discharge is to a tidally-influenced environment, the discharge occurs during the time between three hours before and three hours after high tide, unless the discharge occurs directly into open water without disturbing sediment, and

- (a) the discharge shall not contain backwash water from a water treatment plant, and
- (b) the concentration of free or combined residual chlorine in the discharge shall not exceed 0.3g/m³, and
- (c) the concentration of fluoride in the discharge shall not exceed 1.5g/m³, and
- (d) the discharge shall not cause any conspicuous change in the colour or visual clarity in the receiving water after the **zone of reasonable mixing**, and
- (e) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

Rule R46: Dye or salt tracer – permitted activity



The discharge of dye or salt tracer, excluding radioisotope tracers, into water or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:

- (a) the discharge is not into a water body within a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b or Map 27c, and
- (b) the dye or salt tracer shall not exceed:
 - (i) 20L of dye in solution, or
 - (ii) 10kg of salt, or
 - (iii) 100L of salt solution, and
- (c) the dye or salt tracer is not a **hazardous substance** in accordance with the Hazardous Substances and New Organisms Act 1996, and
- (d) the Wellington Regional Council is notified in writing of the discharge at least 24 hours before the time of discharge, including details of the:
 - (i) persons responsible for the discharge, including contact details, and
 - (ii) nature of the tracer (including type, colour, product name or description), and
 - (iii) location, timing and duration of the discharge, and
 - (iv) purpose of the tracer programme.

Rule R47: Other dye or salt tracer – controlled activity



The discharge of salt or dye tracer, including radioisotope tracers, into water, or onto or into land where it may enter water, not permitted by Rule R46 is a controlled activity.

Matters of control

1. Duration and timing of the discharge
2. Volume, concentration and type of the tracer
3. Effects on **aquatic ecosystem health** and **mahinga kai**
4. Effects on **community drinking water supply** water quality

Notification

In respect of Rule R47 applications are precluded from public notification (unless special circumstances exist).

5.2.3 Stormwater

Rule R48: Stormwater from an individual property – permitted activity



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, from an individual **property** is a permitted activity, provided the following conditions are met:

- (a) the discharge is not into a site identified in Schedule A (outstanding water bodies), and
- (b) the discharge is not from, onto or into **contaminated land**, and
- (c) the discharge is not from a local authority **stormwater network**, a port, airport or state highway, and
- (d) the discharge shall not contain **wastewater**, and
- (e) the concentration of total suspended solids in the discharge shall not exceed:
 - (i) 50g/m³ where the discharge enters a site or habitat identified in Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids in the receiving water is greater than 50g/m³, in which case the decrease in water clarity after the **zone of reasonable mixing** shall not exceed 20%, or
 - (ii) 100g/m³ where the discharge enters any other fresh or coastal water, except when the background total suspended solids in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the **zone of reasonable mixing** shall not exceed 33%, and

- (f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (g) the discharge shall not give rise to the following effects beyond the **zone of reasonable mixing**:
 - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in the colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the fresh water is unsuitable for consumption by farm animals, or
 - (v) any significant adverse effects on aquatic life.

Note

In respect of stormwater discharges from **earthworks** activities refer to Rules R99 and R101.

Rule R49: Stormwater to land – permitted activity



The discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, from an individual **property** is a permitted activity provided the following conditions are met:

- (a) the discharge is not from, onto or into **contaminated land**, and
- (b) the discharge shall not cause or exacerbate the flooding of any other **property**.

Rule R50: Stormwater from a local authority network at plan notification – controlled activity



The discharge of **stormwater** into water, or onto or into land where it may enter water, from a local authority **stormwater network** is a controlled activity, provided the following condition is met:

- (a) the resource consent application is received within two years of the date of public notification of the Proposed Natural Resources Plan (31.07.2015).

Matters of control

1. Requirements to monitor and report on the quality of **stormwater** discharges to fresh and/or coastal water, including of **stormwater** discharges containing **wastewater**
2. Management of acute effects of **stormwater** on human health detected during monitoring
3. Duration of consent up to a maximum of five years

4. Timeframes for the development of a **stormwater management strategy** in accordance with Schedule N (stormwater strategy)

Notification

In respect of Rule R50 applications are precluded from public notification (unless special circumstances exist) and are precluded from limited notification.

Rule R51: Stormwater from a local authority network two years after public notification – restricted discretionary activity



The discharge of **stormwater** into water, or onto or into land where it may enter water, from a local authority **stormwater network** two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a restricted discretionary activity, provided the following condition is met:

- (a) the resource consent application includes a **stormwater management strategy** in accordance with Schedule N (stormwater strategy).

Matters for discretion

1. The contents and implementation of the **stormwater management strategy** in accordance with Schedule N (stormwater strategy)
2. Development and implementation of methods, such as catchment-specific **stormwater** management plan(s), in accordance with any relevant objectives identified in this plan, including any relevant whaitua-specific objectives
3. Management of adverse effects, including cumulative effects, on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**
4. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)

Rule R52: Stormwater from large sites – restricted discretionary activity



The discharge of **stormwater** into water, or onto or into land where it may enter water, from a port, airport or state highway is a restricted discretionary activity.

Matters for discretion

1. The management of the adverse effects of **stormwater** capture and discharge, including cumulative effects, of **stormwater** on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**

2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)
3. Minimisation of the adverse effects of **stormwater** discharges through progressive improvement over time

Rule R53: All other stormwater – discretionary activity



The discharge of **stormwater** into water or onto or into land where it may enter water that is not permitted by Rules R48 or R49, or controlled by Rule R50, or a restricted discretionary activity under Rules R51 or R52, is a discretionary activity.

5.2.4 Contaminated land and hazardous substances

Rule R54: Site investigation – permitted activity

The use of land to assess the concentration of **hazardous substances** that may be present in the soil and any associated discharge into air is a permitted activity, provided the following conditions are met:

- (a) the assessment is undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and
- (b) the assessment is reported in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)*, and
- (c) a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment.

Rule R55: Discharges from contaminated land – permitted activity

The discharge of contaminants onto or into land from **contaminated land** where the discharge may enter water is a permitted activity provided the following conditions are met:

- (a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and
- (b) the site investigation report concludes that:
 - (i) the concentration of contaminants in groundwater meets the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* for potable water for 90% of species, and
 - (ii) the concentration of contaminants in groundwater, at the **property** boundary, or at the location of existing **bores**, or at any point where the groundwater exits to the surface meets the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and*

Marine Water Quality (2000) for the protection of 95% of species.

Rule R56: Discharges from contaminated land – discretionary activity

The use the land, and discharge of contaminants onto or into land from **contaminated land** where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a discretionary activity.

Rule R57: Discharge of hazardous substances – non-complying activity



The discharge of a **hazardous substance** into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 is a non-complying activity.

5.2.5 Water races and pumped drainage schemes

Rule R58: Water races – discretionary activity

The discharge of water or contaminants into water from a **water race** shown on Map 28 is a discretionary activity.

Rule R59: Existing pumped drainage schemes – permitted activity



The discharge of water or contaminants into a **surface water body**, or coastal water from an existing **pumped drainage scheme**, established before the date of public notification of the Proposed Natural Resources Plan (31.07.2015), is a permitted activity provided the following conditions are met:

- (a) erosion occurring as a result of the discharge shall be remedied, and
- (b) the discharge shall not give rise the following effects after the **zone of reasonable mixing**:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in the colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) fresh water is unsuitable for consumption by farm animals, or
 - (v) any significant adverse effects on aquatic life.

Rule R60: All other pumped drainage schemes – discretionary activity



The discharge of water or contaminants into a **surface water body**, or coastal water, from a **pumped drainage scheme** established after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), or from a **pumped drainage scheme** that is not permitted by Rule R59, is a discretionary activity.

5.2.6 Wastewater

Rule R61: Existing wastewater – discretionary activity



The discharge of **wastewater**:

- (a) into coastal water, or
- (b) that is an **existing discharge** into fresh water

is a discretionary activity.

Rule R62: New wastewater to fresh water – non-complying activity

The discharge of **wastewater** that is a **new discharge** into fresh water is a non-complying activity.

Rule R63: Wastewater from ships and offshore installations – permitted activity



The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation outside the **harbour and pilotage limit** as shown on Map 49 is a permitted activity.

Note

Also see the requirements of the Resource Management (Marine Pollution) Regulations 1998 in sections 11, 12 and 12A in relation to the discharge of wastewater from ships and offshore installations into coastal water.

Rule R64: Wastewater from ships and offshore installations not – non-complying activity



The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation, inside the **harbour and pilotage limit** shown on Map 49, and not controlled by sections 12 or 12A of the Resource Management (Marine Pollution) Regulations 1998, is a non-complying activity.

5.2.7 Biofoul cleaning

Rule R65: In-water biofoul cleaning – permitted activity



The discharge of contaminants and biological material into coastal water from **in-water cleaning** of **biofouling** from a vessel, moveable structure or navigation aid, three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the coastal marine area, is a permitted activity provided the following conditions are met:

- (a) the **anti-foul coating** on the vessel, moveable structure or navigation aid shall not have exceeded its planned service life as specified by the manufacturer, and
- (b) the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations, and

- (c) the cleaning of microfouling and goose barnacles of international origin shall be removed using a gentle, non-abrasive cleaning technique, and
- (d) the cleaning or treatment method shall capture any biological material released into the water column greater than 50µm in diameter, with any captured cleaning debris disposed on land, and
- (e) any captured cleaning debris is appropriately disposed of, and
- (f) if suspected harmful or unusual aquatic species are found, the vessel owner or operator shall take the following steps:
 - (i) any cleaning activities shall cease immediately, and
 - (ii) the Wellington Regional Council Harbourmaster shall be notified within five working days, and
 - (iii) the cleaning may not recommence until notified by the Wellington Regional Council to do so.

Note

For the purposes of Rule R65 guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.

Rule R66: In-water biofoul cleaning – discretionary activity



The discharge of contaminants and biological material into coastal water from **in-water cleaning** of **biofouling** from a vessel, moveable structure or navigation aid that is not permitted by Rule R65 is a discretionary activity.

Note

For the purposes of Rule R66, guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.

5.2.8 All other discharges

Rule R67: Discharges inside sites of significance – non-complying activity



The discharge of water or contaminants into water, or onto or into land where it may enter water:

- (a) inside a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites), and
- (b) that is not permitted by Rules R42, R43, R44 or R45

is a non-complying activity.

Rule R68: All other discharges – discretionary activity



The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:

- (a) permitted by Rules R42, R43, R44 or R45, and
 - (b) is not provided for by Rule R67 or any other rule in this Plan
- is a discretionary activity.