

ORC NOTIFICATION RECOMMENDATION REPORT

File No: RM25.242
Application No: RM25.242
Prepared For: Staff Consents Panel
Prepared By: Ralph Henderson, Consultant Planner
Date: 01 September 2026

Subject: Coastal Discharge Permit RM25.242 by the Otago Regional Council to discharge contaminants to water in the coastal marine area for the purpose of the management and eradication of an invasive marine species

1 Purpose

To report and make recommendations on the determination of the above application under the non-notified provisions (Section 95A) of the Resource Management Act 1991 (the Act).

2 Background Information

Applicant: Otago Regional Council
Activities: RM25.242.01 To discharge contaminants to water at various locations along the coast of Otago
Locations: Various locations along the Otago coastline including Oamaru Harbour, Karitane, Moeraki, Otago Harbour and Taieri Mouth (Appendix 1)
Legal description of the site: Coastal Marine Area
Record of title number and owner: n/a
Map reference: See area identified in Appendix 1
Consent sought: Coastal Discharge Permit
Purpose: The management and eradication of an invasive pest species in the coastal marine area

2.1 Key issues/risks

The key issues/risks with the application are:

- The proposed activity may have adverse effects on the ecology or natural character of the coastal marine area.
- The proposal will be undertaken in a statutory acknowledgement area and in locations that are valued for commercial and recreational use.
- The proposed activity may adversely affect cultural values of Iwi.
- The discharge may affect recreational and aesthetic values of the coastal marine environment.
- Invasive pest species can adversely affect the ecological, recreational and cultural values of the coastal marine environment.
- Practical methods to quickly and effectively remove invasive pest species are necessary reduce the risk of spread.

At this stage there are no principal issues in contention that need to be raised.

3 Summary

I recommend the application is processed on a non-notified basis. This is because:

- The adverse effects on the environment from the proposed activity will be no more than minor; and
- The mitigations proposed adequately compensate or offset the actual or potential adverse environmental effects, and
- The written approvals of all affected parties have been obtained.

4 Description of Activity

Jennifer Rose of Mitchell Daysh has provided a description of the proposal on pages 1 and 8-11 of the Application titled: Application for consent for the treatment and eradication of invasive non-indigenous marine species within the coastal marine area, Jennifer Rose, 19 May 2025.

This description is adopted for this report. The key points of the activity are explained below:

The Otago Regional Council (**ORC**) has a statutory role to ensure the coastal marine environment (**CMA**) is sustainably managed. The introduction of exotic invasive pest species through marine transport poses a threat to native biodiversity and aquaculture industries in the coastal environment of Otago.

The Applicant seeks consent for discharges to the CMA to enable the treatment of invasive marine pest species. For the purpose of the application an invasive marine pest species is defined as:

- (a) Any exotic marine organism new to Otago coastal waters; or
- (b) Any established exotic marine organism named as either an organism of interest or an organism classified as a pest in any Otago Regional Pest Management Plan or Strategy prepared in accordance with the provisions of the Biosecurity Act 1993 (or any subsequent amendment).

An example of an invasive pest species is the Mediterranean fanworm (*Sabella spallanzanii* (**Sabella**)) which has recently been discovered at Port Chalmers. The ORC has identified Sabella as an invasive species that presents a sufficiently serious threat to the CMA that treatment and eradication of outbreaks is required.

A number of marine pest species, such as Sabella, establish themselves on the hull of vessels or marine structures, or are present in the ballast water, and are spread to new locations with the movement of these vessels. The presence of organisms such as Sabella on marine vessels is referred to as biofouling.

The proposed method to treat Sabella or other exotic marine organisms is through addition of a biocide during biofouling treatment. The treatment involves encapsulating the affected hard surface and adding a chlorine solution to the water trapped between the hard surface and the encapsulating material. Encapsulation has the additional advantage of reducing the risk of spread of the invasive species during treatment.

Possible methods of encapsulation are identified in Section 3.1 of the AEE. These include engaging divers to wrap the hulls of affected vessels with overlapping layers of plastic sheeting

that is tapped together, to the use of larger containment ‘bags’ or purpose-built floating docks to isolate the area of treatment.

Due to the absence of any floating docks currently available for use in Otago the Applicant has advised that the single sheet wrapping method is the preferred method that will be used where feasible. In cases where the size of the structure exceeds the dimensions of available plastic sheeting, overlapping sheets will be used to achieve full encapsulation. Consequently, consent is sought for a range of treatment options.

Once the vessel is enclosed encapsulated water can be reduced. Reduction in volume can assist in deoxygenating pest species and to reach the optimal volume to ensure biofouling organisms are exposed to appropriate concentrations of biocide.

Research has indicated that success treatment is increased, and treatment time is reduced, by adding a biocide to encapsulating water. Rapid treatment is necessary to reduce the risk of spread of invasive species to other areas and to reduce the cost and delays associated with treatment that may create a disincentive for vessel owners to seek treatment.

The Applicant has identified a chlorine solution as the preferred biocide due to proven effectiveness for treating *Sabella* elsewhere in New Zealand, ease of use, health and safety considerations for use and low environmental effects.

Target dosing of chlorine will be 200 milligrams per litre (**mg/l**) which will be maintained for at least 4 hours. Maintaining the concentration will require monitoring of Free Available Chlorine¹ (**FAC**) concentration and periodic redosing during that period if necessary.

The proposed method of creating the chlorine solution is to dissolve dichlor (sodium dichloroisocyanurate) granules in seawater prior to addition to the encapsulated water. Materials data sheet for dichlor is included as Appendix C of the Application and tables to calculate the amount (kilograms (**kg**)) of dichlor required to dose the volume of water encapsulated are provided in Appendix D. Chlorine concentration can be measured using chlorine testing strips commonly used for testing swimming pool water.

During and following treatment the encapsulated water will be contaminated with the chlorine solution and organic matter from the affected species. Prior to removal of the vessel from encapsulation residual chlorine may be treated with a non-toxic neutralising agent (**Sodium thiosulphate** or an similar approved alternative) to reduce the concentration of residual chlorine to 0.5 mg/l or less. Tables to calculate the required amount of Sodium thiosulphate (grams (**g**)) to neutralise the encapsulated water are included as Appendix E to the application. Alternatively, residual chlorine can be neutralised by extending the treatment period until natural degradation has occurred.

Once the treatment process has been completed encapsulation will be removed and encapsulated water will be discharged into the surrounding environment.

The discharge of encapsulated water at this point is anticipated to contain residual chlorine as a solution of dichlor (not more than 0.5 mg/L), sodium thiosulphate (as a neutralizing agent) and it may also contain low levels of residual cyanuric acid, dissolved oxygen, dissolved sulphides and organic matter.

¹ Free available chlorine, composed of hypochlorous acid (HOCl) and the hypochlorite ion (OCl⁻)

The Applicant has mapped specific areas where treatment will be undertaken (Appendix 1). These areas include Oamaru Harbour, Moeraki, Karitane, Otago Harbour, Taieri Mouth.

The Applicant has proposed conditions of consent to ensure the treatment and neutralising agents are applied in a manner that will mitigate adverse effects on the environment. The draft conditions are included in Appendix 2.

The conditions include:

- tables to enable the appropriate volumes of dichlor and neutralising agent to be calculated to minimise contaminants used in the treatment process.
- thresholds of FAC to be achieved prior to release of encapsulated water. Discharge should be by mechanical pump wherever possible.
- requirements to collect visible organic matter or dead and dying organisms for disposal to land to minimise the risk of spread of organisms.
- discharge of encapsulated water should, as far as possible, occur in areas with a high degree of tidal flushing and during periods of tidal flow.
- notification of the consent authority and recording of operations
- the preparation of an environmental management plan (**EMP**) to establish an effective mixing zone at the discharge locations and measuring background water quality in these areas. Undertaking water quality testing prior to the release of encapsulated water and the measurement of dissolved oxygen (DO), residual treatment chemicals, Cyanuric acid and temperature at the mixing zone as soon as practicable following the release of encapsulated water.

Application documents include:

- ORC Application Forms 1 and 7
- Application for consent for the treatment and eradication of invasive non-indigenous marine species within the coastal marine area, Mitchell Daysh, May 2025
- Report 2715 Addition of biocide during vessel biofouling treatment – an assessment of environmental effects, Cawthron Institute, July 2015
- Materials Safety Data Sheet for Dichlor
- Dichlor Dosing Table
- Sodium thiosulphate Dosing Table
- S92 Response, Michell Daysh, 9 April 2026
- Description of receiving environment, Anna Kluibenschedl, Otago Regional Council 14 October 2025
- Volunteered conditions of consent
- A summary of consultation with Iwi
- Written approval from Te Rūnanga o Ōtākou Inc

5 Description of the Environment

The areas proposed to be identified as Invasive Species Treatment Areas are shown in Figure 1. A description of the sites and surrounding environment is provided in the application and further information provided and that is adopted for the purposes of this report. The sites are commonly used by vessels travelling up and down the Otago coast and could experience the spread of marine pests transported by biofouling. Key details are as follows:

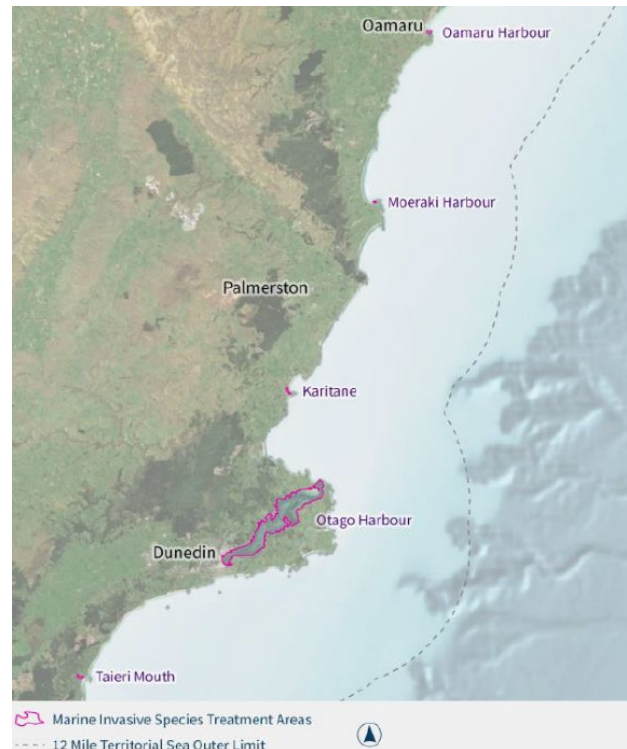


Figure 1: Location of proposed Invasive Species Treatment Areas

5.1 Oamaru Harbour

The Oamaru Harbour is the northern most harbour in Otago and was established to support commercial shipping in the 1880s. The harbour closed to commercial shipping in 1974 but is still used for small fishing and recreational vessels. The harbour supports a large shag colony including several endemic species and a colony of Korora/ little blue penguin.

5.2 Moeraki

Moeraki Harbour is a small semi-enclosed embayment that was historically modified to support commercial fishing activity on the north coast of Otago. Use of the harbour is now predominantly limited commercial fishing and recreational boating. The harbour is close to the Moeraki Mataitai Reserve which is a culturally significant area identified to protect customary activities of Kāi Tahu.

5.3 Karitane

The Waikouaiti estuary and river mouth at Karitane is used for limited commercial fishing, tourism and recreational activity. The estuary has high ecological and socio-economic values and supports fishing, white baiting, shell fish harvesting and tourism. The estuary and river are considered of customary and cultural significance to Kāi Tahu with the East Otago Taiapure managed by Kati Huirapa Runaka ki Puketeraki.

5.4 Otago Harbour

The Otago Harbour includes busy commercial ports at Dunedin and Port Chalmers. Commercial shipping visiting the harbour range from cargo ships, cruise ships and local fishing boats. Recreational craft are common in the harbour and mooring sites are present at a number of locations throughout the harbour. Due to the extent of activity the harbour is potentially a high risk

site for the introduction of marine pests, with established populations of non-indigenous species such as the invasive carpet sea squirt and previous detections of Mediterranean fanworm (*Sabella spallanzani*) near Port Chalmers. Otago Harbour supports a large population of tuaki/NZ cockle (*Austrovenus stutchburyi*) and includes regulated commercial harvesting operations. The harbour is of cultural significance to Kāi Tahu and the Ōtākou Mātaitai Reserve has been identified to protect customary activities.

5.5 Taieri Mouth

A number of commercial fishing boats operate from wharfs at the mouth of the Taieri River and boat launching facilities are available for recreational use.

All of these coastal areas are important for either commercial, recreational, cultural or tourism activities.

The Regional Plan Coast for Otago (**RPC**) covers the use, development and protection of Otago's coastal environment. Table 1 identifies relevant management areas applicable to the proposed coastal discharge activity. The values applicable to the relevant management areas are summarised in the tables below. In considering any activity within or adjacent to any coastal protection area (**CPA**) (Table 2), coastal development (**CDA**) (Table 3), coastal recreational (**CRA**) (Table 4), Coastal Hazard Area (**CHA**) (Table 5), Outstanding Natural Feature or Landscape (**ONFL**) (Table 6) or Statutory Acknowledgement Area (**SAA**) (Table 7) priority shall be given to avoiding adverse effects on the identified values. Consideration of the specific values is discussed below.

Table 1: RPC management areas relevant to areas of proposed discharges into the CMA

Location	CPA	CDA	CRA	CHA	ONFL
Oamaru	CPA1	CDA1	-	-	-
Moeraki	-	CDA2	CRA3	-	-
Karitane	CPA8, CPA9	CDA3	-	CHA2	-
Otago Harbour	CPA15, CPA16, CPA17	CDA4	CRA9, CRA10	CHA5, CHA6	
Taieri Mouth	-	CDA5	-	-	-

Table 2: Values associated with Coastal Protection Areas identified in the RPC relevant to the area of proposed activity

Schedule 2 – Management Areas - Coastal Protection Areas	
Area	Values
CPA1 Oamaru Harbour Breakwater	Historic values; NZHP Register Number 4882. NZMS 260 J41: 510649 to 510644
CPA8 Waikouaiti River Estuary	Kai Tahu cultural and spiritual values. Estuarine values. The estuary is important for coastal birds such as the eastern bar-tailed godwit and oystercatchers.
CPA9 Karitane Headland	Kai Tahu cultural and spiritual values. NZMS 260 I43: 277049 to 277046
CPA15 Aramoana	Kai Tahu cultural and spiritual values. Estuarine values which include a large area of saltmarsh and sand which is used by wading and migratory birds, such as the Siberian wader and the Caspian tern. The area has a wide variety of species. The area provides a breeding nursery for endemic fish species. Hookers sea-lion haul-out on the sandy beaches at Aramoana. NZMS 260 I,J44: 323887 to 287884

CPA16 Otago Harbour Historic Walls	Historic values; Otago Harbour Rock Walls, NZHP Register Number 4726. Along Portobello Road between NZMS I,J44:173764 and 328891. Along the road and railway between NZMS I,J44: 182789 to 254851. Along Aramoana Road between NZMS I,J44: 252862 to 294889. Note: The rock walling is not a continuous feature along the listed roads.
CPA17 Otakou & Taiaroa Head	Kai Tahu cultural and spiritual values. Estuarine values which include a wading area for migratory birds. The intertidal flats are a significant cockle habitat. There are eelgrass beds in parts of this area. Historic values; midden, NZHP Register Number 5682 Otago Harbour Rock Walls along Portobello Road, NZHP Register Number 4726. NZMS 260 I,J44: 333901 to 287856

Table 3: Values associated with Coastal Development Areas identified in the RPC relevant to the area of proposed activity

Schedule 2 – Management Areas - Coastal Development Areas	
Area	Values
CDA1 Oamaru Harbour	Historical harbour, breakwaters, fishing facilities, recreational facilities
CDA2 Moeraki	Fishing facilities, recreational facilities, moorings
CDA3 Karitane	Fishing facilities, recreational facilities, moorings
CDA4 Otago Harbour	Commercial port facilities, fishing facilities, recreational facilities, navigational aids, navigational channels, groynes, the mole
CDA5 Taieri Mouth	Fishing facilities, recreational facilities

Table 4: Values associated with Coastal Recreation Areas identified in the RPC relevant to the area of proposed activity

Schedule 2 – Management Areas - Coastal Recreation Areas	
Area	Values
CRA3 Moeraki Peninsula	Kai Tahu cultural and spiritual values. The coastal rocky platforms of subcalcic augite at Tawhiroko Point are considered internationally significant. The golden coloured gravel beaches are nationally important. NZMS 260 J42: 420369 to 421329
CRA9 Otago Harbour	Boating, fishing and walking. NZMS 260, I, J44: 324891 to 328891
CRA10 Careys Bay	Boating, fishing and walking. NZMS 260, I,J44: 255866 to 251862

Table 5: Values associated with Coastal Hazard Areas identified in the RPC relevant to the area of proposed activity

Schedule 3 – Cross Boundary Areas - Coastal Hazard Areas	
Area	Values
CHA2 Waikouaiti - Karitane	Sandy beach erosion (beach and roads at risk)
CHA5 The Spit	Sandy beach erosion (spit and saltmarsh at risk)
CHA6 Te Rauone Beach	Sandy beach erosion (beach, road, and property at risk)

Table 6: Outstanding natural features and landscapes identified in the RPC relevant to the area of proposed activity

Schedule 3 – Outstanding natural features and landscapes	
Area	Values
ONFL8 Heyward Point	Outstanding headland, sand beaches, and spit at the entrance to Otago Harbour. NZMS 260 I,J44: 291918 to 315893
ONFL9 Otago Peninsula	Kai Tahu cultural and spiritual values. Significant headlands, particularly Taiaaroa Head which also has Kai Tahu cultural and spiritual values. Outstanding scenic qualities due to density of landscape elements. Visually impressive landforms including —Lovers Leap‖ and —The Chasm‖. Regionally significant earthflow at Sandfly Bay. NZMS 260 I,J44: 331899 to 231755
ONFL15 All islands within Otago CMA	Goat and Quarantine Island Kai Tahu cultural and spiritual values. Significant part of the coastal landscape. The islands and off-shore stacks provide important habitat and nesting sites for birds, haul-out areas for seals, and may have botanical values.

Table 7: Statutory Acknowledgements identified in the RPC relevant to the area of proposed activity

Appendix 2	Statutory Acknowledgement for Te Tai Arai Te Uru (Otago Coastal Marine Area)	Mauri of coastal area represents the life force which is a critical element of the spiritual relationship of Ngai tahu Whanui with the coastal area.
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6 Status of the Applications

The following definitions in the RPC are relevant to the proposal.

Hazardous Any substance:

- substance: (a) With one or more of the following intrinsic properties:
- (i) Explosiveness;
 - (ii) Flammability;
 - (iii) A capacity to oxidise;
 - (iv) Corrosiveness;
 - (v) Toxicity, (including chronic toxicity);
 - (vi) Ecotoxicity, with or without bioaccumulation; or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous Includes:

- waste: (a) A hazardous substance which has not been used and requires disposal; or
- (b) The residue of a hazardous substance which has been used and requires disposal; or
- (c) Waste material containing a hazardous substance.

The proposal involves the use of chlorine in the form of dichlor, which is a hazardous substance under the RPC definition due to ecotoxicity. Sodium thiosulphate has been proposed as a neutralising agent as it does not meet the definition of a hazardous substance.

The use of hazardous substances in the coastal marine area may be undertaken as a permitted activity, subject to the compliance with the matters identified in Rule 10.5.5.4 (a)-(c). Chlorine meets the definition of a hazardous substance provided in the RPC. The proposal will not comply with Rule 10.5.5.4(a) as the hazardous substance will enter the water of the CMA.

Rule 10.5.5.8 states:

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

As rules 10.5.5.5 to 10.5.5.7 do not provide for the use of hazardous substances in the CMA the proposal has been assessed as a **discretionary** activity under Rule 10.5.5.8.

The discharge of water or other contaminants may be undertaken as a permitted activity, subject to the compliance with the matters identified in Rule 10.5.6.1(a)-(e).

The discharge of residual chlorine as a solution of sodium dichloroisocyanurate (dichlor) (not more than 0.5 mg/L), sodium thiosulphate (as a neutralizing agent), low levels of residual cyanuric acid, dissolved oxygen, dissolved sulphides and organic matter as a byproduct of treating invasive marine pest species is not provided for under the provisions of Rule 10.5.6.1.

Rule 10.5.6.2 states:

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

Consequently, this activity has been assessed as a **discretionary** activity under Rule 10.5.6.2.

Rule 10.5.5.1 identifies the discharge of hazardous waste in the CMA as a prohibited activity.

It is considered the proposal does not involve the discharge of hazardous waste for the following reasons:

- the proposal does not involve the disposal of dichlor that has not been used.
- The proposed methodology for treatment includes treatment of the dichlor that has been used to 0.5mg/l, a level that is safe for discharge and therefore does not require separate disposal. The MSDS notes that the material degrades relatively fast as a result of hydrolysis. None of the products resulting from hydrolysis persist and chlorine does not bioaccumulate.
- The proposal does not create a waste material containing a hazardous substance.
- This is approach consistent with anticipated environmental results 10.7.2 for discharges into the CMA.

Overall Activity Status

Overall, the proposal has been assessed as a **discretionary** activity. Council may grant or decline the consents and, if granted, may impose conditions in accordance with Section 108 of the Act.

7 Assessment of Environmental Effects

An assessment of effects is provided in the application and that is adopted for the purposes of this report. Key details are outlined below as it relates to understanding the scale of effects and to inform the recommendation on notification.

The proposal has been peer reviewed by Stantec on behalf of the ORC Resource Science Unit (**RSU**). The assessment of effects has been undertaken based on the methodology proposed by the Applicant and implemented through the proposed conditions of consent.

The consent provides the Applicant with tools to manage invasive marine species when encountered in the CMA. Due to the highly invasive nature of the species being managed, the early application of management methods is essential to reduce the frequency with which they may need to be used. Consequently, the discharges will only occur as a reaction to these conditions and effective intervention will reduce the frequency with which they are required.

The Applicant anticipates these discharges will occur relatively infrequently but has proposed a condition of consent requiring the provision of an environmental monitoring plan to determine the effects of the frequency or scale of discharges if more than 5 vessels require treatment in any one location in a single year or if the treatment of an area exceeds 50m².

7.1 Effects on Water Quality and Aquatic Ecosystems

The discharge of contaminants to water can adversely affect water quality in the receiving environment. The discharge will result in chlorine, as a solution of sodium dichloroisocyanurate (dichlor), a neutralising agent (anticipated to be sodium thiosulphate), residual cyanuric acid, dissolved oxygen, dissolved sulphides and organic matter. Contaminants or changes to water quality may affect aquatic ecosystems in the receiving environment.

The proposal outlines conditions of consent managing the encapsulation of any vessel to be treated and no direct discharge of chlorine to the marine environment is proposed. The discharge of encapsulated water around a vessel that has been treated with a biocide to manage an infestation of marine pests will be managed to reduce chlorine concentrations.

The Applicant proposes the use of a chemical agent, such as sodium thiosulphate (or equivalent) to neutralise free available chlorine (FAC) to reduce adverse effects on water quality. Sodium thiosulphate is commonly used for the dichlorination of swimming pool water prior to any discharge to stormwater systems. Sodium thiosulphate is proposed because it is not classified as a hazardous substance, has relatively low toxicity and scavenges less oxygen than other sodium compounds considered.

Dissolved oxygen in the encapsulated water may be reduced by respiration of biofouling species enclosed and microbes that decompose dead biofouling. The rate of deoxygenation depends on several factors, including the amount of biofouling, the amount of water enclosed, ambient temperature and the effectiveness of the encapsulation at preventing exchange of water with the surrounding environment. Deoxygenation can assist in killing fouling organisms.

Sodium thiosulphate acts as an oxygen scavenging agent and will further reduce dissolved oxygen in the encapsulated water. While the deoxygenation will assist in the treatment of biofouling it can have adverse effect on biological communities around the treatment area when the encapsulated water is discharged. The Applicant proposes to minimise this risk by matching the amount of sodium thiosulphate added to the encapsulated water to the amount of FAC to be neutralised.

The proposed conditions of consent include tables to enable the estimation of appropriate volumes of dichlor to be applied to the encapsulated water and the volume of sodium thiosulphate required for subsequent neutralisation. The Applicant suggests that, as the discharge of residual chlorine of 0.5 mg/l into stormwater is consistent with permitted activity standards in parts of New Zealand this is considered to have negligible environmental effects. The proposed conditions of consent include testing of the encapsulated water prior to discharge to ensure the FAC has been reduced to

0.5 mg/l or less. Stantec have recommended the concentration of FAC should be reduced to 0.01 mg/l prior to discharge as more appropriate. In practice this can be relatively easily measured using standard colorimeters for testing water in swimming pools.

The neutralisation reaction between sodium thiosulphate and chlorine also forms hydrochloric acid. Hydrochloric acid separates (disassociates) almost instantaneously in water into hydrogen and chlorine, both of which are plentiful in seawater without any persistent residue.

The Applicant has volunteered conditions including the discharge of encapsulated water to the CMA be undertaken by way of mechanical pumping where possible and that any visible organic matter, including dead or dying organisms be collected and removed from the treatment site and disposed of to a designated refused site on land. These conditions will reduce adverse effects on water quality and reduce the risk of spread of invasive species in the event treatment was not entirely effective.

Stantec have noted that the timing and location of the discharge is important in terms of ensuring rapid dispersal and dilution of contaminants in the wider marine environment. Consequently, Stantec recommend the development of an environmental management plan within six months of the consent being granted to identify areas where tidal flushing and tidal flow will be conducive to the dispersal of contaminants.

Overall, the effects of applying biocide to treat invasive marine organisms will be very localised, occurring infrequently and only in the immediate area of treatment. The proposed chemicals for treatment and neutralisation have considered to be appropriate and the conditions create a practical management framework to determine the appropriate volumes of chemicals required for treatment and neutralisation to minimise the concentration of discharges into the CMA. Subject to adoption of the proposed conditions, the potential adverse effects of the discharge on water quality and marine ecosystems will be less than minor.

7.2 Historical and Amenity Values

The areas identified for possible biofouling treatment locations are harbours and areas of relatively high levels of vehicle traffic. The historical and amenity values of these areas are identified in Section 5. Notwithstanding the values identified in these areas, the receiving environment in which the proposed activity will occur are all to some extent modified by the frequent presence of maritime vessels and associated commercial and recreational activities

The proposed method of encapsulating the affected vessels or structures will result in a small area of containment around the affected surfaces for a temporary duration. The encapsulation itself will not create a significant visual effect and due to the infrequent occurrence and short duration required by treatment is not considered likely to detract from historical or visual amenity in these areas to more than a minor extent.

Those recognising the encapsulated vessels as being treated for invasive species may result in the perception of adverse non-visual amenity effects as the area may be considered to be less clean or natural as a result of this activity. However, in the event invasive exotic species are discovered to be present a sense of loss of naturalness is also anticipated. If left untreated the spread of invasive species can further degrade the sense of naturalness and historic values of these areas. In New Zealand the short-term adverse effects of pests management activities, such as wilding pine

management, have been found to be considered acceptable by the general public when they are treating a large scale adverse effect.

Overall, the adverse effects on historic and amenity values are considered to be less than minor due to the infrequent occurrence and relatively short duration during which treatment will occur and the limited visibility of the proposed methods of treatment.

7.3 Effects on Recreational Values

The discharge of contaminants to the environment can adversely affect recreational use of marine areas due to perceived and actual effects on recreational values. The proposed treatment areas are located in harbours frequently used for water-based sports, including boating, kayaking and to a less extent fishing. In particular Moeraki Peninsula (CRA3), Otago Harbour (CRA9) and Careys Bay (CRA10) are identified in the RPC as being valued for recreational uses. Due to the use of these areas for mooring and frequent movement of vessels it is generally subject to less frequent use for recreational fishing or seafood gathering, however in some of the proposed treatment locations the surrounding areas are highly valued for this activity.

The proposed activity will not affect normal recreational use of the identified treatment areas unless it is necessary to treat an established area of invasive species. As noted in Section 4, the area associated with treatment and the duration over which treatment will occur will be limited. Recreational activity can continue around encapsulated vessels. It would generally be considered to be preferable if recreational activities are not being undertaken in the immediate area where contaminants are discharged however this discharge will be short in duration and subject to adoption of the proposed conditions, the effects will be less than minor and will be rapidly dispersed.

7.4 Effects on Cultural Values

The coastal marine area of Otago is identified as a statutory acknowledgment area, reflecting its cultural importance to Kāi Tahu. The RPC identifies the following areas of specific interest to Kāi Tahu: Waikouaiti River Estuary (CPA8), Karitane Headland (CPA9), Aramoana (CPA15), Otakou & Taiaroa Head (CPA17) and Moeraki Peninsula (CRA3).

Due to the location of the proposed activity in the coastal marine area Aukaha were advised of the application and subsequent correspondence from Aukaha indicated Papatipu Rūnaka Kati Huirapa ki Rūnaka Puketeraki and Te Rūnanga o Ōtākou consider themselves to be affected parties to the proposal.

The Applicant has been directly engaging with rūnaka regarding the issue of invasive species and proposed method of treatment. The Applicant has obtained letters of support for the proposal and affected party approval has been provided by Otakou. At this point no affected party approval has been provided from Kati Huirapa ki Rūnaka Puketeraki.

7.5 Cumulative Effects

The overall area of CMA affected will be small and the low frequency with which treatment is anticipated to be required and the short duration of treatment will ensure cumulative effects are less than minor.

8 Notification and Written Approvals

8.1 Section 95A Public Notification

Step 1: Is public notification mandatory as per questions (a) – (c) below?

- | | |
|--|-----------|
| (a) Has the applicant requested that the application be publicly notified? | No |
| (b) Is public notification required by Section 95C? | No |
| Has further information been requested and not provided within the deadline set by Council? | No |
| Has the applicant refused to provide further information? | No |
| Has the Council notified the applicant that it wants to commission a report but the applicant does not respond before the deadline to Council's request? | No |
| Has the applicant refused to agree to the Council commissioning a report? | No |
| (c) Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? | No |

Step 2: Is public notification precluded as per questions (a) – (b) below?

- | | |
|--|-----------|
| (a) Is public notification precluded by a rule in the plan or a NES? | No |
| (b) Is the application for one or more of the following activities but no other activities: | |
| (i) A controlled activity? | No |
| (ii) A restricted discretionary, or discretionary activity, but only if the activity is a subdivision of land or a residential activity? | No |
| (iia) A restricted discretionary, discretionary or non-complying activity but only if the activity is a boundary activity? | No |
| (iii) A prescribed activity (see section 360G(1)(a)(i)? | No |

Step 3: Does the application meet either of the criteria in (a) or (b) below?

- | | |
|--|-----------|
| (a) Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? | No |
| (b) Will the activity have or be likely to have adverse effects on the environment that are more than minor in accordance with Section 95D? | No |

The adverse environmental effects on the environment from the proposal are discussed in elsewhere of this report. Based on this review, I consider that there will not be more than minor adverse effects on the environment (discounting the site and adjacent sites).

Step 4: Do special circumstances exist in relation to the application that warrant the application being publicly notified?

No

8.2 Section 95B Limited Notification

Step 1

Section 95B(2) Are there any affected groups or persons identified under Section 95B(2):

- | | |
|--|------------|
| (a) Protected customary rights groups? | Yes |
| (b) Customary marine title groups? | Yes |

Section 95B(3)(a) Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?

Yes

Section 95B(3)(b) *Is a person to whom a statutory acknowledgement is made an affected person under Section 95E?* **Yes.**

Pursuant to the Ngāi Tahu Claims Settlement Act 1998, Te Rūnanga o Ngāi Tahu (TRONT) was advised of the application. TRONT did not comment within 10 working days as per the statutory acknowledgement process. TRONT was not considered to be affected in a minor or more than minor manner and is not an affected party.

Step 2

Is Limited Notification precluded under Section 95B(6)?

- (a) Is the application for a resource consent for one or more activities, and each activity is subject to a rule or national environmental standard that preclude limited notification? **No**
- (b) (i) Is the proposal a Controlled Activity that requires consent under the District Plan (other than a subdivision of land)? **No**
- (ii) Is it a prescribed activity under Section 360G(1)(a)(ii)? **No**

Step 3

Having regard to Section 95E of the Resource Management Act, identify persons who would be adversely affected by the proposed activity by effects that are minor or more than minor, but not less than minor and give reasons why affected parties were identified.

The proposed activity is located within or adjacent to areas of the coast identified in the RPC as of cultural significance to kaitiaki rūnaka whose takiwā includes the subject sites and the landscape in which it is situated. Following consultation between the Applicant, Aukaha and rūnaka, written approval was provided by Aukaha on behalf of the kaitiaki rūnaka: Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki and Kati Huirapa ki Rūnaka Puketeraki. As approvals have been provided from these parties, effects on them have not been considered and they have not been considered as affected parties.

Have all persons identified as affected under Step 3 provided their written approvals? Yes / No

Step 4 Further notification in special circumstances

Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under Section 95E as not being affected persons)? **No**

If notification or limited notification is required then has the applicant paid the additional notification fee? **Not applicable**

8.3 Other Notifications

As the work is proposed to occur in a Statutory Acknowledgement Area, pursuant to the Ngāi Tahu Claims Settlement Act 1998, Te Runanga o Ngāi Tahu (TRONT) was advised of the application. TRONT did not comment within 10 working days, therefore the application proceeded.

Maritime New Zealand (MNZ) was sent a copy of the application as the proposed activity fell within the criteria outlined in Section 89A of the Act. Maritime New Zealand were provided details of the application and advised they had no comment.



9. NOTIFICATION RECOMMENDATION:

In accordance with the notification steps set out above, it is recommended that the application proceed on a non-notified basis.

Name: Ralph Henderson
Title: Consultant Planner
Date: 01 September 2026
Signature:

A handwritten signature in blue ink, appearing to be 'R Henderson', written over a faint circular stamp.

DECISION ON NOTIFICATION

Sections 95A to 95G of the Resource Management Act 1991

Date: 10 September 2026

Application No: RM25.242

Subject: *Decision on notification of resource consent application under delegated authority*

Decision under Delegated Authority

The Otago Regional Council decides that this resource consent application is to be processed on a **non-notified** basis in accordance with sections 95A to 95G of the Resource Management Act 1991.

The above decision adopts the recommendations and reasons outlined in the Notification Recommendation Report above in relation to this application. I have considered the information provided, reasons and recommendations in the above report. I agree with those reasons and adopt them.

This decision is made under delegated authority by:



Allan Cubitt
Independent Decision Maker for Otago Regional Council

ORC SECTION 42A REPORT

1. Summary of Recommendation

I recommend that this application be approved, subject to the conditions discussed at the end of this report.

Please note that this report contains the recommendations of the Consent Officer and represents the opinion of the writer. It is not a decision on the application.

There are no principal issues in contention with the applicant and no evidence was heard as it relates to the application as it is being processed non-notified without a hearing. The key risks/issues with the application were discussed in Section 2.1 of this report.

2. Section 104 Evaluation

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act.

As this application is for a discretionary activity, the Council may grant or refuse the application. If granting consent, the Council may impose conditions under section 108 of the Act.

2.1 Section 104(1)

The remaining matters of Section 104 to be considered when assessing an application for a resource consent are:

- a) the actual and potential effects on the environment of allowing the activity;
- ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
- b) any relevant provisions of a national environmental standard, other regulations, a national policy statement, the Regional Policy Statement (RPS), RPW; and
- c) any other matter the Council considers relevant and reasonably necessary to determine the application.

2.2 Actual and potential effects on the environment of allowing the activity

The actual and potential adverse environmental effects of the proposed activity were considered in the notification recommendation report.

In addition to these adverse effects, it is considered that the proposal will have the following positive effects:

- a) *the proposal provides a method to manage invasive marine species that may adversely affect indigenous ecosystems and cultural, economic and recreational values.*

2.3 S104(1)(ab)

The applicant has not proposed or agreed to any measures to offset or compensate for adverse effects that will or may result from allowing the activity. I consider this is appropriate as the potential adverse effects are expected no more than minor.

2.4 S104(1)(b) Relevant Planning Documents

Relevant statutory planning documents include the following:

- New Zealand Coastal Policy Statement 2010
- Otago Regional Policy Statement 2021
- Regional Plan: Coast for Otago

2.4.1 New Zealand Coastal Policy Statement 2010 and the Regional Plan Coast (RPC)

The following policies of the New Zealand Coastal Policy Statement (NZCPS) 2010 (amended in 2025) are broadly relevant to the application.

- Policy 1: Extent and characteristics of the coastal environment
- Policy 2: The Treaty of Waitangi, tangata whenua and Māori
- Policy 3: Precautionary approach
- Policy 4: Integration
- Policy 6: Activities in the coastal environment
- Policy 11: Indigenous biological diversity (biodiversity)
- Policy 23: Discharge of contaminants

The primary policies of the NZCPS are given effect to through the RPC. However, of particular relevance is Policy 23, Discharge of contaminants states:

- (1) *In managing discharges to water in the coastal environment, have particular regard to:*
- (a) *the sensitivity of the receiving environment;*
 - (b) *the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and*
 - (c) *the capacity of the receiving environment to assimilate the contaminants; and*
 - (d) *avoid significant adverse effects on ecosystems and habitats after reasonable mixing;*
 - (e) *use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and*
 - (f) *minimise adverse effects on the life-supporting capacity of water within a mixing zone.*

The New Zealand Coastal Policy Statement (NZCPS) is relevant discharges site into the coastal marine area.

The proposed application of biocide has been identified as the best management option available as a method of treating the outbreak of invasive marine species. The cultural concerns regarding such discharges have been considered and the Applicant has directly engaged with tangata whenua in decision making, supporting the exercise of kaitiakitanga. Potential adverse effects on indigenous biodiversity and the natural character of the coastal environment are appropriately avoided, remedied, or mitigated to the extent possible. The discharges do not restrict public access to Otago Harbour and pose negligible risk to public health. The proposed methodology is considered consistent with Policy 23(1) as the capacity of the receiving environment has been

considered and it uses the smallest mixing zone necessary and minimises adverse effects on the life supporting capacity within the mixing zone and avoids significant adverse effects on the environment.

Overall, the proposed discharge management is considered consistent with the relevant policies of the NZCPS. The sensitivity of the environment has been identified in Section 5 of this report, the nature of contaminants is discussed in Section 4 and assessed in Section 7 of this report.

2.4.2 Operative Regional Policy Statement

The proposed Otago Regional Policy Statement was notified on 26 June 2021 and became operative on 9 July 2026.

Table 8: Assessment of the relevant objectives and policies in Proposed RPS 2021

Operative RPS 2021	Assessment
IM-O3 – Sustainable impact Otago's communities provide for their social, economic, and cultural well-being in ways that support or restore environmental integrity, form, functioning, and resilience, so that the life-supporting capacities of air, water, soil, and ecosystems are sustainably managed, for future generations.	The application outlines a methodology to manage the presence of exotic invasive fauna in the coastal marine area of Otago in a timely manner to reduce the risk these species will become established and spread. The application balances the potential adverse effects associated with treatment and the benefits of avoiding the establishment of pest species that may adversely affect the environment and associated social, economic and cultural values.
MW-O1 – Principles of Te Tiriti o Waitangi The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and papatipu rūnaka to ensure that what is valued by <i>mana whenua</i> is actively protected in the region. MW-P1 – Treaty obligations Promote awareness and understanding of the obligations of <i>local authorities</i> in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori. MW-P2 – Treaty principles <i>Local authorities</i> exercise their functions and powers in accordance with the principles of Te Tiriti o Waitangi, by: (1) recognising the status of Kāi Tahu as <i>mana whenua</i> and facilitating Kāi Tahu involvement in decision-making as a partner under Te Tiriti o Waitangi, (2) including Kāi Tahu in resource management processes, implementation and decision-making to the extent desired by <i>mana whenua</i>, (3) recognising and providing for Kāi Tahu values and addressing resource management issues of significance to Kāi Tahu, as identified by <i>mana whenua</i>, in resource management decision-making processes and plan implementation, (4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, and waters, encompassing wai māori and wai tai, significant sites, <i>wāhi tōpunaz</i> wāhi tapu and wāhi taoka, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them, (6) having particular regard to the responsibility of Kāi Tahu to exercise their role as kaitiaki, as an expression of <i>mana</i> and	The proposed activity will be undertaken in the coastal marine area which is recognised as a statutory acknowledgement area. The Applicant has engaged with iwi at a Rūnaka level to improve understanding of the risk of invasive species and what is proposed to manage that risk.

Operative RPS 2021	Assessment
rakatirataka, (7) actively pursuing opportunities for: (a) delegation or transfer of functions to Kāi Tahu, and (b) partnership or joint management arrangements, (c) taking into account iwi management plans when making resource management decisions, (9) recognising and providing for mātauraka and tikaka in environmental and resource management, and	
MW-P3 – Supporting Kāi Tahu hauora The natural environment is managed to support Kāi Tahu hauora by: (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and <i>coastal waters</i> within their takiwā, (2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as <i>mahika kaizand</i> (4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.	The Applicant has engaged with iwi at a Rūnaka level to improve understanding of the risk of invasive species and what is proposed to manage that risk. The establishment of invasive marine species may adversely affect the mauri and life-supporting capacity of the coastal marine area that are valued by Kāi Tahu. Consideration has been given to the effects on customary uses, Kāi Tahu values and relationships with the natural environment of undertaking the proposed activity, and of not undertaking the proposed activity.
IM-O1 – Long term vision (mō tatou, ā, mō kā uri ā muri ake nei) The management of <i>natural and physical resources</i>, by and for the people of Otago, in partnership with Kāi Tahu, achieves a healthy and resilient natural <i>environment</i>, including the ecosystem services it provides and supports the well-being of present and future generations.	Managing biosecurity risks such as the establishment of invasive exotic species requires a long term partnership with iwi to maintain a healthy and resilient natural environment.
CE-P3 – Coastal water quality Manage water quality in the coastal environment by: (1A) restoring coastal water quality where it is considered to have deteriorated to the extent described within CE-P2(2), (1) maintaining or enhancing healthy coastal ecosystems, indigenous habitats provided by the coastal environment, <i>indigenous vegetation</i> and fauna, and the migratory patterns of indigenous <i>coastal waters</i> species, (2) sustaining Kāi Tahu relationships with and customary uses of <i>coastal water</i>, (3) maintaining or enhancing recreation opportunities and existing uses of <i>coastal waters</i> (5) controlling activities outside the coastal marine area that have an effect on coastal water quality, (6) maintaining or enhancing water quality within areas of coastal water identified in CE-P2(3) where mana whenua have	The proposed method to control the establishment of invasive marine species is considered necessary to maintain healthy coastal ecosystems, to sustain Kāi Tahu customary uses of coastal water and maintain water quality and recreational values. The proposed use of biocide will be managed to ensure any adverse effects of the discharge after treatment is temporary and has less than minor adverse effects.

Operative RPS 2021	Assessment
a particular cultural interest, and (7) setting appropriate limits and targets for coastal water quality, including for ecosystem health, habitats of taoka species, sediment, contact recreation and safe kaimoana gathering.	
ECO-01 – Indigenous <i>biodiversity</i> Otago's <i>indigenous biodiversity</i> is healthy and thriving and any overall decline in condition, quantity and diversity is halted. ECO-P6 – Maintaining indigenous <i>biodiversity</i> Outside the coastal environment and excluding areas protected under ECO-P3, manage Otago's <i>indigenous biodiversity</i> by: (1) applying the effects management hierarchy (in relation to indigenous biodiversity) to manage significant adverse effects on indigenous biodiversity), and (2) requiring the <i>maintenance of indigenous biodiversity</i> for all other adverse <i>effects</i> of any activity, and (3) notwithstanding (1) and (2) above, for regionally significant infrastructure and nationally significant infrastructure that is either renewable electricity generation or the National Grid avoid, remedy or mitigate adverse effects to the extent practicable.	The areas anticipated to require treatment include areas identified as having ecological value in the RPC and vulnerable to invasion by exotic marine species. The proposed treatment of invasive species has been identified as an essential method to manage and protect the indigenous biodiversity present in Otago's coastal marine area. The adverse effects of the discharge following treatment of invasive species has been assessed to temporary in duration and to have less than minor adverse effects on the environment including indigenous biodiversity.
ECO-P7 – Coastal indigenous <i>biodiversity</i> <i>Indigenous biodiversity</i> in the coastal environment is managed by CE-P5 in addition to all objectives and policies of the ECO chapter except ECO-P3, ECO-P4, ECO-P5A and ECO-P6. CE-P5 – Coastal indigenous <i>biodiversity</i> Protect indigenous <i>biodiversity</i> in the coastal environment by: (1) identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas: (a) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, (b) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened, (c) indigenous ecosystems and vegetation types in the coastal environment that are threatened or are naturally rare, (d) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare, (e) areas containing nationally significant examples of indigenous community types, and (f) areas set aside for full or partial protection of indigenous <i>biodiversity</i> under other legislation, and (2) identifying and avoiding significant adverse <i>effects</i> and avoiding, remedying or mitigating other adverse <i>effects</i> on the following ecosystems, vegetation types and areas: (a) areas of predominantly indigenous vegetation in the coastal environment,	

Operative RPS 2021	Assessment
(b) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species, (c) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable, (d) areas sensitive to modification, including estuaries, lagoons, coastal <i>wetlands</i>, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh, (e) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes, (f) habitats, including areas and routes, important to migratory species, (g) ecological corridors, and areas important for linking or maintaining biological values identified under this policy, (h) <i>significant natural areas</i> identified in accordance with APP2 that are not included in (1) above, and (i) indigenous species and ecosystems identified as taoka in accordance with ECO-M3 that are not included in (1) above.	
CE-O1 – Safeguarding the coastal environment The health, integrity, form, functioning and resilience of Otago's coastal environment is safeguarded so that: (2) coastal water quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, including practices associated with mahika kai and kaimoana, (3) the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or enhanced, (4) the diversity of indigenous coastal flora and fauna is maintained, and areas of significant or representative indigenous biodiversity and sites of biological importance are protected, (5) surf breaks of national significance are protected, (6) the interconnectedness of wai Māori and wai tai is protected, and the effects of terrestrial and fresh water uses and activities on coastal waters and ecosystems, are recognised and understood, and (7) the ongoing effects of climate change within the coastal environment are identified and planned for.	The application seeks to safeguard the healthy indigenous ecosystems present in Otago's coastal marine area and the associated natural habitats, water-based recreational activities, and customary uses, including practices associated with mahika kai and kaimoana that these enable.
CE-O3 – Natural character, features and landscapes Areas of natural character are preserved and natural features and landscapes (including seascapes) within the coastal environment are protected from inappropriate activities, and restoration is encouraged where the values of these areas have been compromised. CE-P4 – Natural character	Natural character and features in the CMA are identified in the RPC and the proposal has been assessed against the relevant values of areas as meriting specific protection.

Operative RPS 2021	Assessment
Identify, preserve and restore the natural character of the coastal environment by: (1) identifying areas and values of high and outstanding natural character which may include matters such as: (a) natural elements, processes and patterns, (b) biophysical, ecological, geological and geomorphological aspects, (c) natural landforms such as headlands, peninsulas, cliffs, dunes, <i>wetlands</i>, estuaries, reefs, <i>freshwater</i> springs and <i>surf breaks</i>, (d) the natural movement of <i>water</i> and sediment, (e) the natural darkness of the night sky, (f) places or areas that are wild or scenic, (g) a range of natural character from pristine to modified, (h) experiential attributes, including the sounds and smell of the sea, and their context or setting, (2) avoiding adverse <i>effects</i> on natural character in areas identified as having outstanding natural character, (3) avoiding significant adverse <i>effects</i> and avoiding, remedying or mitigating other adverse <i>effects</i> on natural character outside the areas in (2) above, and (5) promoting <i>activities</i> and projects that will restore or rehabilitate natural character in the coastal environment where it has been reduced or lost.	
CE-01 – Public access and recreation Public walking access and recreation opportunities in the coastal environment are maintained and enhanced, and vehicle access is controlled.	The proposal will maintain the ability of the coastal environment to be used for access and recreational opportunities by providing a method to manage the risk of invasive species.
IM-P6 – Managing uncertainties In resource management decision-making, manage uncertainties by using the best information available at the time, including scientific data and mātauraka Māori, and: (1) taking all practicable steps to reduce uncertainty, and (a) in the absence of complete and scientifically robust data, using information obtained from modelling, reliable partial data, and local knowledge, with preference for sources of information that provide the greatest level of certainty, and (b) avoiding unreasonable delays in making decisions because of uncertainty about the quality or quantity of the information available, and (2) adopting a precautionary approach, including through use of adaptive management, towards activities whose <i>effects</i> are uncertain, unknown, or a little understood, but potentially significantly adverse.	The proposal is a forward looking approach to manage the uncertainty risk of invasion by exotic marine species. The proposal identifies practical steps to reduce risk in the absence of scientific certainty regarding the nature or timing of the arrival of an invasive species and provides a framework to unreasonable delays in decision making are avoided.

Operative RPS 2021	Assessment
CE-P10 – Activities within the <i>coastal marine area</i> Use and development in the <i>coastal marine area</i> must: (1) enable multiple uses of the <i>coastal marine area</i> wherever reasonable and practicable, and (2) maintain or improve the health, integrity, form, function and <i>resilience</i> of the <i>coastal marine area</i>, or (3) have a functional need or operational need to be located in the coastal marine area, or (4) have a public benefit or opportunity for public recreation that cannot practicably be located outside the <i>coastal marine area</i>.	The proposed activity is required to maintain the health, integrity and resilience of the CMA and has an operational need to be undertaken in the CMA.

Operative RPS 2021	Assessment
IM-P1 – Integrated approach to decision-making Giving effect to the integrated package of objectives and policies in this RPS and other relevant statutory provisions requires decision-makers to: (1) consider all provisions relevant to an issue or decision and apply them purposively according to the terms in which they are expressed and (2) if after (1) there is an irreconcilable conflict between any of the relevant RPS and/or statutory provisions which apply to an activity, only consider the activity if: (a) the activity is necessary to give effect to a relevant policy or statutory provision and not merely desirable, and (b) all options for the activity have been considered and evaluated, and (c) if possible, the chosen option will not breach any other relevant policy or statutory provision, and (d) if (c) is not possible, any breach is only to the extent required to give effect to the policy or statutory provision providing for the activity, and (3) if 2(d) applies, evaluate all relevant factors in a structured analysis to decide which of the conflicting policies or statutory provisions should prevail, or the extent to which any relevant policy or statutory provision should prevail, and (4) in the analysis under (1), (2) or the structured analysis under (3), assess the nature of the activity against the values inherent in the relevant policies or statutory provisions in the particular circumstances.	All relevant statutory provisions have been considered and there are no irreconcilable conflicts between any.

Operative RPS 2021	Assessment
CE-O4 – Mana moana The enduring cultural relationship of Kāi Tahu with Otago’s coastal environment is recognised and provided for, and <i>mana whenua</i> are able to: (1) exercise their rakatirataka role, manaakitaka and their kaitiaki duty of care within the coastal environment, and (2) engage in customary fishing and other <i>mahika kai</i>. CE-P13 – Rakatirataka and kaitiakitaka Recognise and give practical effect to Kāi Tahu rakatirataka and the role of Kāi Tahu as kaitiaki of the coastal environment by: (1) facilitating partnership with, and actively involving <i>mana whenua</i> in decision making and management processes in respect of the coast, (2) identifying, protecting, and improving where degraded, sites, areas and values of importance to Kāi Tahu within the coastal environment, and managing these in accordance with tikaka, (3) providing for customary uses, including <i>mahika kai</i> and the harvesting of kaimoana, (4) incorporating the impact of activities on customary fisheries, mātaihai reserves and taiāpure in decision making, and (5) incorporating mātauraka Māori in the management and monitoring of activities in the coastal environment. IM-P3 – Providing for <i>mana whenua</i> cultural values in achieving integrated management Recognise and provide for the relationship of Kāi Tahu with natural resources by: (1) enabling <i>mana whenua</i> to exercise rakatirataka and <i>kaitiakitaka</i>, (2) facilitating active participation of <i>mana whenua</i> in resource management processes and decision making, (3) incorporating mātauraka Māori in processes and decision-making, and (4) ensuring resource management provides for the connections of Kāi Tahu to <i>wāhi tāpuna</i>, wai māori (including awa [rivers] and roto [lakes] and wai tai (including te takutai moana [coastal marine area]) and <i>mahika kai</i> and habitats of taoka species.	The Applicant has engaged with Kāi Tahu rūnaka with regards to the effect of the proposed discharge on the cultural values of <i>mana whenua</i>. Affected party approval has been provided by all rūnaka who identified themselves as potentially affected by the proposal and consequently it is considered to be generally consistent with these policies.

Overall, subject to the recommended conditions of consent, it is considered that the application is generally consistent with the relevant objectives and policies of the ORPS 2021.

2.4.3 Regional Plan: Coast

The relevant objectives and policies of the RPC are assessed below.

Policy 5.3.1 To provide for the use and development of Otago's coastal marine area while maintaining or enhancing its natural character, outstanding natural features and landscapes, and its ecosystem, amenity, cultural and historical values.

Policy 5.4.1 To recognise the following areas, as identified in Schedule 2.1, as coastal protection areas within Otago's coastal marine area:

CPA1 Oamaru Harbour Breakwater
CPA8 Waikouaiti River Estuary
CPA9 Karitane Headland
CPA15 Aramoana
CPA16 Otago Harbour Historic Walls
CPA17 Otakou & Taiaroa Head

Policy 5.4.2 Priority will be given to avoiding adverse effects on:

- (a) The values identified in Schedule 2.1, associated with any coastal protection area; and*
- (b) The habitat and movement of marine mammals and birds in the coastal marine area adjacent to any marine mammal and bird site identified in Schedule 3.1; when considering the use, development and protection of Otago's coastal marine area.*

Priority has been given to avoiding the adverse effects on the values of the sites identified in Schedule 2.1. The proposed methodology for the discharge ensures effects will be temporary in duration and less than minor in impacts on the values of the CPA in which they will occur, and the use of pesticides is considered necessary to avoid longer term adverse effects of the values in these areas if invasive species become established.

Policy 5.4.3 To recognise the following areas, as identified in Schedule 2.2 as coastal development areas within Otago's coastal marine area:

CDA1 Oamaru Harbour
CDA2 Moeraki
CDA3 Karitane
CDA4 Otago Harbour
CDA5 Taieri Mouth

Policy 5.4.4 Regard will be given to the need to provide for the values associated with any coastal development area when considering the use, development and protection of Otago's coastal marine area.

Policy 5.4.5 To recognise the following areas, as identified in Schedule 2.3 as coastal recreational areas:

CRA3 Moeraki Peninsula
CRA9 Otago Harbour
CRA10 Careys Bay
CDA1 Oamaru Harbour
CDA2 Moeraki
CDA3 Karitane
CDA4 Otago Harbour
CDA5 Taieri Mouth

Policy 5.4.6 Priority will be given to the need to provide for and protect the values associated with the coastal recreation areas when considering the use, development and protection of Otago's coastal marine area.

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

The areas identified in the application have been selected as necessary treatment sites due to their potential vulnerability to the establishment of invasive marine organisms. The establishment of invasive marine pests may adversely affect the long term recreational and development values of these areas and consequently the consenting of methods to manage invasive species is considered appropriate. The proposed method has been selected after due recognition of the need to provide for and protect the recreational and development values of the areas identified in Schedules 2.2 and 2.3. The proposal is considered to be consistent with the direction of policies 5.4.1-5.4.6 and Policy 10.4.2.

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

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

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

The areas identified in the application have been selected as necessary treatment sites due to their potential vulnerability to the establishment of invasive marine organisms. There are no practical alternatives to treating an outbreak of invasive species in the location in which it occurs. It is not currently practical to entirely remove vessels from the CMA to undertake treatment however the proposed encapsulation process seeks to partially achieve this by encapsulation of vessels prior to treatment to separate them from the wider marine environment. Conditions are recommended to mitigate the impact of the discharge into the CMA and the adverse effects of the subsequent discharge has been assessed as being short term with less than minor effects on community, cultural and ecological values. There is no feasible method in which to avoid this discharge entirely.

The applications are considered to be consistent with the above objectives and policies of the RPC.

2.5 Other Matters

Clause 104(1)(c) requires consideration of other matters.

2.5.1 Biosecurity Act 1993

Under the Biosecurity Act, regional councils have a role in providing leadership in '*activities that prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand (pest management) in its region*'. Sabella is a notifiable organism under Section 45 of the Biosecurity Act as it is recognised as an organism capable of causing adverse effects, particularly to biodiversity values.

Section 52 of the Biosecurity Act prohibits knowingly communicating, causing to be communicated, releasing, causing to be released, or otherwise spreading any pest or unwanted organism. Section 122 of the Biosecurity Act enables Councils to issue Notices of Direction requiring that fouled vessels be cleaned before entering, travelling within or leaving their jurisdiction.

The purpose of this application is to enable the ORC to treat marine pests such as Sabella in the Otago region in accordance with the powers and requirements of the Biosecurity Act.

2.5.2 Marine and Coastal Area (Takutai Moana) Act 2011

Section 62(3) of the Marine and Coastal Area Act 2011 (MACAA) requires that where the activity occurs within an area where a customary marine title has been applied for, the applicant must notify and seek the views of the group who have applied for the customary marine title prior to applying for resource consent.

Applications for customary marine title for the common marine and coastal area within Otago have been made by Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui, Paul and Natalie Karaitiana and Te Maiharoa Whanau.

The Applicant provided details of correspondence undertaken with applicant groups meeting the requirements of Section 62(3) of the MACAA. Applicant groups have not provided a response or feedback to correspondence.

2.5.3 Kai Tahu ki Otago Natural Resource Management Plans

The Kai Tahu Ki Otago Natural Resource Management Plan 2005 outlines natural resources of importance to Kai Tahu. The CMA is one of the areas Kai Tahu seeks to preserve and protect.

Policies of relevance to the application include the following:

- 14.To encourage the use of best technology for treatment of all discharges including ballast water.
- 19.To require the investigation of better technologies for ballast water discharges and hull cleaning.

The Applicant has investigated best available alternatives for treatment of invasive species and has determined the proposed approach reflects the most practical option to be used in Otago at this time. The Applicant has consulted with rūnaka directly in relation to the management of invasive pest species and Aukaha have provided affected party approval for the proposal on behalf of rūnaka.

Overall, subject to conditions of consent the proposal is considered to be consistent with this management plan.

3 Section 104(2EA) and 104(6A)

On 21 August 2025 the RMA Resource Management (Consenting and Other System Changes) Amendment Act 2025 came into force. This act amends s104 of the RMA in the following ways:

Insertion of a new section 104(2EA):

When considering a resource consent application, a consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received by the applicant, if the applicant is not a natural person or, if the applicant is a natural person, received by the applicant within the previous 7 years.

Insertion of a new section 104(6A):

A consent authority may decline an application for a resource consent if the applicant has a record of significant non-compliance with a requirement of this Act—

- (a) that is ongoing or repeated; and
- (b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the applicant is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years.

Council is not aware of any previous or current abatement notices, enforcement orders, infringement notices, or convictions received by the Applicant under this Act, nor is Council aware of any record of significant non-compliance with the Act. Hence, these sections do not justify declining the resource consents sought by this application.

4 Part 2 of the Act

The application to discharge contaminants to the CMA for the purpose of managing invasive marine pest species is consistent with the purpose and principles of the Act, as outlined in Section 5. The proposed activity will have a no more than minor effect on the ability of the CMA to meet the reasonably foreseeable needs of future generations, or on the life-supporting capacity of the CMA or any ecosystem associated with it. The ecosystem in each affected area are expected to recover to a level similar of that before works took place and recommended consent conditions will ensure that any long term adverse effects on the environment are avoided, remedied or mitigated.

Section 6 of the Act requires that in assessing the applications, the following matters of national importance are recognised and provided for. Several matters are relevant to this application including:

- a) *The preservation of the natural character of the coastal marine area), wetlands, and lakes and rivers and from inappropriate subdivision, use, and development:*
- b) *The protection of outstanding natural features and use, and development:*
- d) *The maintenance and enhancement of public access to the coastal marine area, lakes, and rivers:*
- e) *The relationship of Maori and their culture and traditions sites, waahi tapu, and other taonga.*
- f) *The protection of historic heritage from inappropriate subdivision, use and development.*

The proposed discharge is an considered an unavoidable part of the treatment necessary to prevent the establishment of invasive marine pest species that may adversely affect the natural character of the coastal marine area and the relationship of Māori with the environment. The proposed methodology for treatment has been assessed as having no more than a minor effect on the natural character and affected party approval has been obtained from Kāi Tahu in relation to potential effects on culture and traditions.

No significant indigenous vegetation or fauna habitats were identified as being affected. Public access to the CMA will only be restricted to any area being treated, which will be limited in scale and duration.

Section 7 of the Act requires persons acting under the Act in relation to managing the use, development, and protection of natural and physical resources, to have particular regard to various matters. In the context of the present application the following matters are relevant:

- *the efficient use and development of natural and physical resources;*
- *kaitiakitanga*
- *the ethic of stewardship*
- *intrinsic values of ecosystems;*
- *maintenance and enhancement of the quality of the environment*
- *any finite characteristics of natural and physical resources*

The proposed activity will have a less than minor adverse effect on some of these matters identified above, particularly the maintenance and enhancement of the quality of the environment. The local ecosystems are not expected to suffer any long term adverse effects with the completed works providing an overall positive effect.

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account. The application has been processed in accordance with Council's protocol for consulting with iwi. Aukaha identified rūnaka who considered themselves to be potentially affected and affected party approval has been obtained from these groups.

Overall, it is considered the application is consistent with Part 2 of the Act.

5 Section 105(1) of the Act

Section 105(1) of the Act states that where an application is for a coastal discharge permit to do something that would otherwise contravene Section 15 or Section 15B of the Act, *"the consent authority must, in addition to the matters in section 104(1), have regard to –*

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
- (b) the applicant's reasons for the proposed choice; and*
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment."*

The above matters have been considered above. There is not expected to be any adverse effects from the discharge that are more than minor and there is no practical alternative available at this time.

6 Section 107 of the Act

Section 107(1) of the Act states that a discharge permit shall not be granted (with certain exceptions) if, after reasonable mixing, the contaminant or water discharged is likely to give rise to all or any of the following effects in the receiving waters:

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

The discharge is not expected to cause any of the effects listed under Section 107(1) of the Act after reasonable mixing, provided the recommended consent conditions are imposed.

7 Section 108 and 108AA of the Act

The attached conditions are recommended in accordance with Sections 108 and 108AA of the Act.

Council's peer reviewer recommended minor changes to the proposed conditions provided by the Applicant (Appendix 2) to improve certainty regarding the environmental outcomes.

The applicant volunteered to prepare an environmental monitoring plan (EMP) to determine the frequency and scale of discharges if more than five vessels require treatment in any one location in a single year or if the treatment of an area exceeds 50m². The peer reviewer agreed that the discharges may occur relatively infrequently but noted that better knowledge of the conditions in the area of proposed treatment will improve environmental outcomes. Council's peer reviewer has recommended that the EMP be prepared within six months of the consent being granted to identify areas where tidal flushing and tidal flow are poor and may be inappropriate as a treatment location or where they will be conducive to the dispersal of contaminants.

The volunteered conditions include testing of the encapsulated water prior to discharge to ensure the FAC has been reduced to 0.5 milligrams/litre or less. Council's peer reviewer has recommended the concentration of FAC should be measured three times prior to discharge to allow for inaccuracies or interference of other substances in the encapsulated water. In practice this can be easily achieved by a slightly longer exposure period for the neutralising agent and can be easily and cheaply measured using standard colorimeters for testing water in swimming pools capable of measuring FAC to concentrations of at least 0.01 mg/l.

These conditions have been recommended because:

- The conditions set out the methodology to be applied during treatment of invasive marine pests.
- Adoption of the methodology is necessary to ensure adverse effects of treatment can be managed.
- Conditions will ensure that Council is fully informed of any treatment undertaken and can monitor the implementation of treatment of any areas in which invasive marine pest species have become established.
- Ongoing monitoring is essential to ensure the invasive species are eliminated and to ensure the adopted methodology is as effective as anticipated.

8 Recommendation

That the Council grants to the Otago Regional Council Coastal Discharge Permit RM25.242, subject to the terms and conditions set out in the attached consent.

10. 1 Reasons for the Recommendation

- (a) The effects of the activity are expected to be no more minor.
- (b) The activity is consistent with the relevant statutory requirements.
- (c) The activity is consistent with Part 2 of the Act.

10.2 Term of Consent

Case law has distilled the following factors that will be relevant to the Council's determination of the duration of a resource consent:

- The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
- Whether adverse effects would be likely to increase or vary during the term of the consent;
- Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
- Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
- That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
- Whether review conditions are able to control adverse effects;
- Whether the relevant plan addresses the question of the duration of a consent;
- The life expectancy of the asset for which consents are sought;
- Whether there was significant capital investment in the activity/asset; and
- Whether a particular period of duration would better achieve administrative efficiency.

The application seeks a term of 35 years. A consent term of 35 years is recommended for the following reasons:

- The risk of invasive species reaching the Otago CMA is increasing with increased shipping and vehicle movements to coastal mooring areas. These movements increase the risk of marine pest incursions into the coastal marine area and species such as Sabella have been detected on a number of occasions in the past.
- The Applicant is seeking a long-term consent to provide operational certainty regarding the ability to respond to any outbreak of invasive pest species in the coastal marine area during this period.
- The establishment of a long-term consent will enable the methodology adopted to become well understood to increase the ease and effectiveness of its use if necessary.
- The Applicant proposes to continue to investigate alternative technologies and options during this period to ensure the most effective method is available. Reducing the frequency of re consenting will enable resource to be put into the continued investigate alternative methods of technologies that become available over time.

Name: Ralph Henderson
Title: Consultant Planner
Date: 01 September 2026
Signature:



DECISION ON RESOURCE CONSENT APPLICATION

Section 113 of the Resource Management Act 1991

Date: 10 September 2026

Application No: RM25.242

Subject: *Decision on non-notified resource consent application under delegated authority*

1. Notification

The application was approved to be processed non-notified and under delegated authority on 10 September 2026.

2. Decision and Reasons for Decision

I have considered the information provided, reasons and recommendation in the above report.

No principal issues were in contention and no evidence was heard as this was a non-notified consent that did not require a hearing. There are no main findings as it relates to any principal issues in contention.

I agree with the reasons and recommendations provided by Consultant Planner Ralph Henderson in the above report and adopt them as the reasons for decision under Section 113(1) to (3). This decision, report and any accompanying letter are the written decision under Section 113(4).

3. Conditions (section 108)

Pursuant to sections 108 and 108AA of the RMA, this consent is issued subject to the appended conditions.

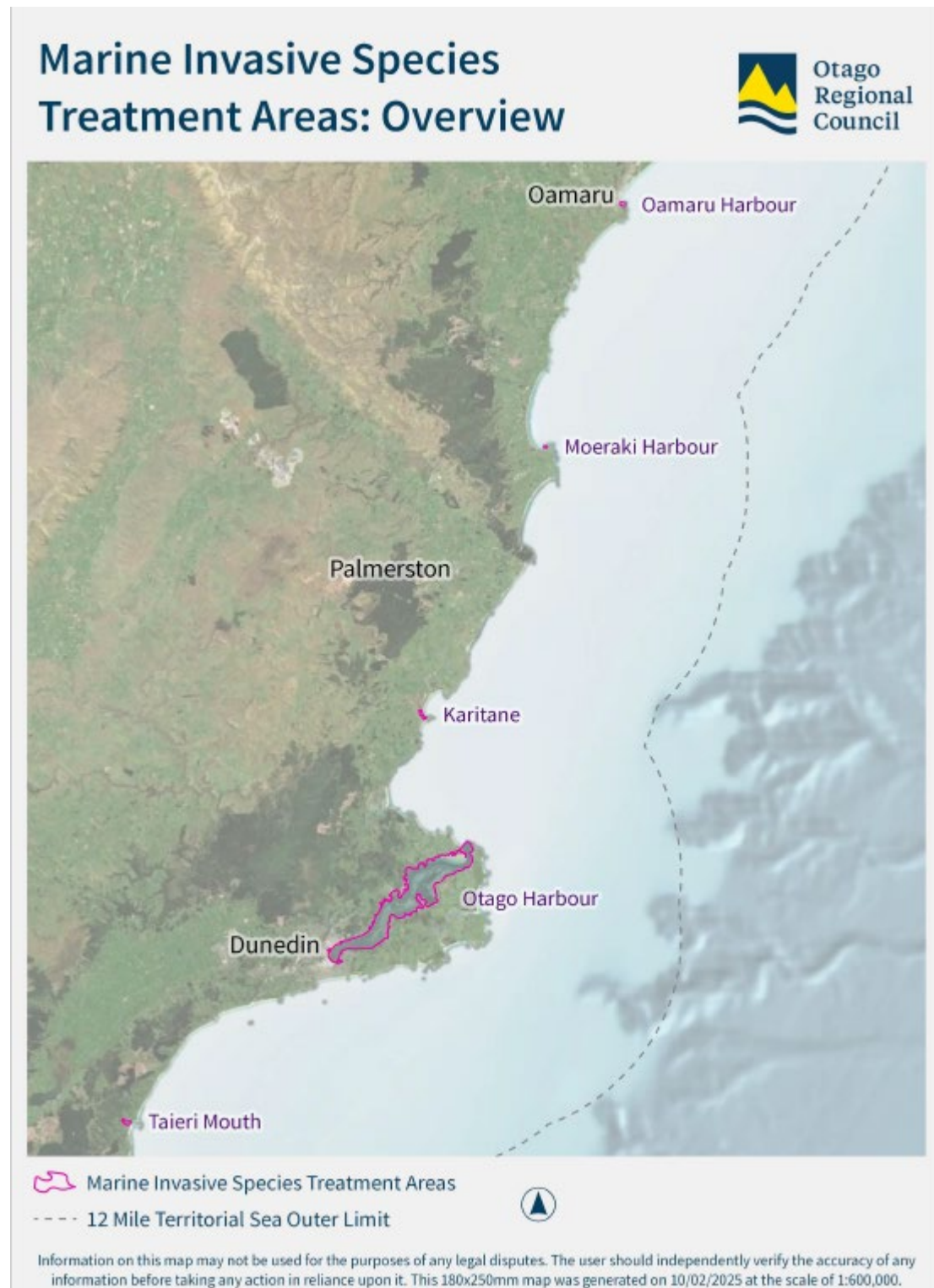
4. Decision under delegated authority

Under delegated authority, this resource consent application is granted by the Otago Regional Council by:



Allan Cubitt
Independent Decision Maker for Otago Regional Council

Appendix 1 – Location of Treatment Areas



Marine Invasive Species Treatment Areas: Oamaru Harbour



 Marine Invasive Species Treatment Areas



0 120 240
metres

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This 180x250mm map was generated on 18/11/2024 at the scale of 1:5,000.

Marine Invasive Species Treatment Areas: Moeraki



 Marine Invasive Species Treatment Areas



0 70 140
metres

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This 180x250mm map was generated on 18/11/2024 at the scale of 1:3,000.

Marine Invasive Species Treatment Areas: Karitane



Marine Invasive Species Treatment Areas



0 140 280
metres

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This 180x250mm map was generated on 18/11/2024 at the scale of 1:6,000.

Marine Invasive Species Treatment Areas: Otago Harbour



 Marine Invasive Species Treatment Areas



0 2,000 4,000
metres

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This 180x250mm map was generated on 18/11/2024 at the scale of 1:100,000.

Marine Invasive Species Treatment Areas: Taieri Mouth



 Marine Invasive Species Treatment Areas



0 140 280
metres

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This 180x250mm map was generated on 18/11/2024 at the scale of 1:6,000.

Appendix 2 – Volunteered conditions

The applicant volunteers the following conditions:

1. This consent authorises the discharge to coastal water of treated seawater containing:
 - a. chlorine, as a solution of sodium dichloroisocyanurate (dichlor) associated with the treatment and eradication of invasive pest species;
 - b. sodium thiosulphate, for the purpose of dechlorinating treated seawater; as described in the application for resource consent dated xxx; and
 - c. residual cyanuric acid, dissolved oxygen, dissolved sulphides and organic matter.

Any other chlorine or neutralisation agent shall only be used with the prior written approval of the Council's Monitoring Officer.
2. For the purposes of this consent, an invasive pest species shall be:
 - a. Any exotic marine organism new to Otago coastal waters; or
 - b. Any established exotic marine organism named as either an organism of interest or an organism classified as a pest in any Otago Regional Pest Management Plan or Strategy prepared in accordance with the provisions of the Biosecurity Act 1993 (or any subsequent amendment).
3. The discharge of contaminants shall only occur from the use of encapsulation systems, such as floating docks / pontoons, wrapping or similar systems that have been designed or modified for the containment and treatment of marine pest-infected submerged structures or boat hulls.
4. The amount (in kilograms) of sodium dichloroisocyanurate used to dose encapsulated water shall be determined in accordance with Appendix 1.
5. The amount (in grams) of sodium thiosulphate used to neutralise free available chlorine in treated encapsulated water shall be determined in accordance with Appendix 2.
6. Handling and application of chlorine chemical treatment (granules or liquid), in either undiluted or diluted form shall be undertaken in accordance with any applicable regulation prepared under the Hazardous Substances and New Organisms Act 1996.
7. Prior to discharge, the concentration of free available chlorine in treated encapsulated water shall not exceed 0.5 milligrams per litre.
8. Any visible organic matter, including dead or dying organisms, dislodged during treatment must be collected and removed from the treatment site and disposed of to a designated refuse site on land.
9. There shall be no viable unwanted or pest organisms released into the coastal marine area as a result of exercising this consent.
10. The discharge of treated encapsulated water to coastal water should be undertaken by mechanical pumping where such facilities are available.
11. The discharges of contaminants authorised by this consent shall only occur in those areas shown in the maps attached in Appendix 3.
12. As far as is practicable, the discharge of treated encapsulated water should occur:
 - a. in areas with a high degree of tidal flushing; and
 - b. during periods of tidal flow.

Notification and Reporting

13. The consent holder shall notify the Consent Authority at least 24 hours prior to the encapsulation and treatment of any vessel or structure. The consent holder shall also notify Southern Clams at least 24 hours prior to the encapsulation and treatment of any vessel or structure in the Otago harbour.
14. The consent holder shall maintain a log of operations detailing the following:
 - a. the date(s) and time(s) on which encapsulation, treatment and discharge of treated encapsulated water occurred;
 - b. the location(s) where the encapsulation, treatment and discharge occurred;
 - c. the weight of sodium dichloroisocyanurate added and the weight of any sodium thiosulphate used to neutralise residual free available chlorine;
 - d. the estimated volume of encapsulated water discharged; and
 - e. the results of inspections following treatment to determine whether biofouling has been killed.

A copy of this log shall be provided to the Consent Authority every six months from the date of issue of this consent, even if this consent is not exercised in any 6-month period.

Contaminant Spills

15. In the event of any spill of oil, fuel or other contaminant, the consent holder shall remove the contaminants immediately from the site and take immediate, effective steps to remedy the spill. The consent holder shall immediately notify the Consent Authority and the consent holder that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled and the steps taken to avoid, remedy or mitigate any adverse effects.
16. In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Consent Authority.

Environmental Management Plan

17. The exercise of this consent shall not result in any of the following effects as measured at or beyond 10 metres from the point of discharge:
 - (a) The production of any conspicuous oil or grease film, scum or foams, floatable or suspended materials, or emissions of objectional odour;
 - (b) The destruction of aquatic life by reason of a concentration of toxic substances;
 - (c) The concentration of dissolved oxygen to be reduced below 80 percent saturation;
 - (d) The water temperature to be changed by more than 3 degrees Celsius; and
 - (e) The pH of the waters to be changed by more the 0.2 units.
18. The consent holder must provide an Environmental Monitoring Plan (EMP) to Otago Regional Council's Manager Consents & Compliance for certification within six months of either of the following thresholds being met:
 - The treatment of more than five vessels in a single year in any one of the discharge areas shown in Appendix 3; or
 - The treatment of an area exceeding 50m².

The EMP must be written by an appropriately qualified and experienced marine biologist or scientist and contain the following:

- a. A methodology for establishing an effective mixing zone at each of the discharge locations identified in Appendix 3 which takes into account:
 - i. The sensitivity of the receiving environment
 - ii. The nature and frequency of the discharges
 - iii. The physical processes acting on the area of discharge
 - iv. The ecological values associated with the area

- b. A methodology for obtaining and quantifying background water quality data at the mixing zones.
 - c. A requirement for at least two water quality tests at the mixing zone prior to the release of encapsulated water when sampling is practicable and compliant with the consent holder's health and safety policies. The sampling shall be of a design that allows for determination of the spatial and temporal extent of treatment related eco-toxic effects.
 - d. The measurement of dissolved oxygen (DO), residual treatment chemicals, Cyanuric acid and temperature at the mixing zone as soon as practicable following the release of encapsulated water when sampling is practicable and compliant with the consent holder's health and safety policy. The sampling shall be of a design that allows for determination of the spatial and temporal extent of discharge related water quality effects and an assessment of the DO relationship in the receiving environment.
 - e. A framework for observing and recording the characteristics of any discharges, including but not limited to plume extent and conspicuous gross solids.
19. The certified EMP shall thereafter be implemented by or under the supervision of an appropriately qualified and experienced science provider, or an appropriately qualified and experienced marine biologist or scientist prior to any further treatment being undertaken within the same treatment area.
20. The EMP may be amended from time to time to change the monitoring requirements. However, before being implemented under Condition 19, the amended EMP must be provided to Otago Regional Council's Manager Consents and Compliance for re-certification under the requirements of Condition 18.

Appendix 1 –List of relevant planning documents

National Policy Statement for Natural Hazards 2025	
Policy 1	When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.
Policy 2	Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.
Policy 3	Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.
Policy 4	Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.
Policy 5	Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.
Policy 6	The potential impacts of climate change to at least 100 years into the future must be considered.
Otago Regional Policy Statement 2021	
Mana whenua and integrated management	
MW-O1	Principles of Te Tiriti o Waitangi
MW-P1	Treaty obligations
MW-P2	Treaty principles
MW-P3	Support Kāi Tahu hauora
IM-O1	Long term vision (mō tatou, ā, mō kā uri ā muri ake nei)
IM-O2	Ki uta ki tai
IM-O3	Sustainable impact
IM-P1	Integrated approach to decision making
IM-P3	Providing for mana whenua cultural values in achieving integrated management
IM-P6	Managing uncertainties
IM-P13	Managing cumulative effects
	Include AIR policies if discharge to air requires consent
Land and freshwater	
LF-WAI-O1	Te Mana o te Wai
LF-WAI-P1	Prioritisation
LF-WAI-P2	Mana whakahaere
LF-WAI-P3	Integrated management/ki uta ki tai
LF-WAI-P4	Giving effect to Te Mana o te Wai
Fresh water	
LF-FW-O1A	Visions set for each FMU and rohe
LF-VM-O2	Clutha Mata-au FMU vision Select relevant FMU vision
LF-VM-O3	North Otago FMU vision Select relevant FMU vision
LF-VM-O4	Taiari FMU vision Select relevant FMU vision
LF-VM-O5	Dunedin & Coast FMU vision Select relevant FMU vision

LF-VM-O6	Catlins FMU vision Select relevant FMU vision
LF-FW-O8	Fresh water
LF-FW-O9	Wetlands
LF-FW-P6A	Transitions over time
LF-FW-P7	Fresh water
LF-FW-P10A	Managing wetlands
LF-FW-P12	Identifying and managing outstanding water bodies
LF-FW-P13	Preserving natural character and instream values
LF-FW-P16	Discharges containing animal effluent, sewage, greywater and industrial and trade waste
Land and Soil	
LF-LS-O11	Land and soil
LF-LS-O12	Use, development and protection
LF-LS-P16	Maintaining soil quality
LF-LS-P17	Soil values
LF-LS-P21	Land use and freshwater
Ecosystems and indigenous biodiversity	
EIT-INF-O4	Provision of infrastructure
EIT-INF-P13	Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment
EIT-INF-P14	Decision making considerations
Hazards	
HAZ-NH-O1	Natural hazards
HAZ-NH-P2	Risk assessments
HAZ-NH-P3	New activities
HAZ-NH-P4	Existing natural hazard risk
HAZ-NH-P5	Precautionary approach to natural hazard risk
HAZ-NH-P6	Protecting features and systems that provide hazard mitigation
HAZ-NH-P8	Lifeline utilities and facilities for essential or emergency services
HAZ-NH-P9	Protection of hazard mitigation measures, likely utilities, and essential or emergency services
HAZ-NH-P11	Kāi Tahu rakatirataka
Climate change	
IM-P8	Effects of climate change