

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Mediation Joint Statement

For hearing topic 033 and 034
Coastal Zones and Activities

Discharges – Sewage Discharge from
Vessels

(D.5.1.11 / I.6.1.7 / I.6.2.15 of the PAUP)

Block 3 Session 4 (AM Session)

Date: Thursday, 18 December 2014

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1. Introduction

This is a record of the mediation outcome held for this topic. It is prepared in accordance with section 134(4) and (5) of the Local Government (Auckland Transitional Provisions) Act 2010.

1.1 Mediation

Hearing Topic	033 and 034 Coastal Zones and Activities		
Matters for mediation	Discharges – Sewage Discharge from Vessels D.5.1.11 / I.6.1.7 / I.6.2.15 of the PAUP		
Mediators	Bryan Bates	File Ref:	004- MJS- Block 3 Session 4 2014-12-18
Where	Hearing Room 2 Level 16 205 Queen Street Auckland City	When	Thursday, 18 December 2014
IHP Staff	Vanessa Wilkinson	Time:	Thursday 9.30am – 12.00pm

2. Attendance of submitters

2.1 Attendance

The mediator confirmed the attendance of submitters and further submitters at the mediation meeting. Refer to Attachment 1 for the Parties to Mediation record.

2.2 Authority to participate in mediation

The mediator confirmed with the submitters or their representatives that they have full authority to participate in the mediation session and where necessary can reach agreement on the matters being mediated for and on behalf of the submitters / further submitters that they represent.

Submitters and further submitters were reminded that they must follow their submissions and cannot act outside the scope of their submissions.

3. Conflicts of interest

No conflicts were raised in respect of the mediator or support staff for the mediation session.

4. Matters for mediation

4.1 Marked up version of PAUP

The mediation focused on discussion of the Proposed Auckland Unitary Plan provisions, specifically:

- D.5.1.11 Sewage discharge from vessels – Background, objectives and policies
- I.6.1.7 Discharges (1. 15 RMA) – part of activity table relating to Discharge of untreated sewage from a vessel or offshore installation
- I.6.2.15.1 and 2 Discharges and Figure 1: Sewage discharge restrictions from vessels – land and water use controls

5. Matters agreed prior to mediation

No matters were agreed prior to mediation.

6. Mediation Outcomes

The matters discussed, agreed, disagreed and comments made are provided below:

6.1 Summary of matters agreed at mediation

No matters were agreed.

6.2 Summary of matters outstanding

Auckland Yacht and Boating Association Incorporated, Yachting New Zealand and Basil Orr and Brian O'Neill seek that the 2km distance be removed as the current RMA Marine Pollution Regulations (i.e. the 500m rule) is adequate, understood and generally complied with. Reasons noted include:

- Boats are not constrained by regional boundaries. Consistency throughout New Zealand is preferred.
- Lack of scientific evidence base regarding water quality effects. Anecdotally, suggest existing information demonstrates no effect (e.g. Safeswim program). For example, the Section 32 Supporting Technical Report "Coast and Catchment" references a telephone survey carried out in 2006 and the information is not helpful to deciding an outcome on this rule.
- Health and safety risk with proposed controls (i.e. 25 knots and 3m swell and 500m travel distance)
- Existing popular anchorages, bays and harbours can be demonstrated to be adequately protected by the existing control (refer example maps presented by Richard Brabant for Yachting New Zealand Incorporated – Attachment 3). Yachting New Zealand Incorporated agrees to Council's proposal to close the anomalies to existing 500m rule, for example upper harbour east to a line between North Head to Tamaki Yacht Club, Port Fitzroy and Mahurangi Harbour.

- The rule is outside the scope of the regulatory exemption for changes through a regional coastal plan rule.
- Anecdotally there is understood to be a strong use of holding tanks and this is encouraged by various yachting and boating organisations (e.g. to enter some racing series yachts are required to install/use a holding tank).
- The distance for sewage discharge does not appear to have been raised as an issue by the Hauraki Gulf Forum and Sea Change.
- What is the Mana Whenua, as seafarers, view of discharges from vessels?
- There are a number of suggested initiatives or opportunities for initiatives that Council could take the lead on e.g.: education; Harbour Bylaws; signage (e.g. stickers showing compliance / that a boat has a holding tank) etc.

New Zealand Defence Force seeks revision of the definition to 'sewage' to recognise sewage from vessels. They also note that the provisions are not sufficiently clear with regard to their applicability to recreational vessels rather than other types of vessels. The section 32 reports are clearer on this but the plan provisions are not.

Auckland Regional Public Health Service considers burden of proof regarding the effects of discharges should be evenly distributed. Others involved in this topic should provide research also. They also raised a concern about the tikanga Maori position regarding 'sewage discharge to water'.

Auckland Council needs to consider position further based on the matters raised above.


7. Confirmation of Parties to Mediation record

The parties to the mediation have signed the Parties to Mediation record (see attachment 1) as confirmation of the outcome of mediation as recorded in the Mediation Joint Statement.

The mediator has reviewed the content of this Mediation Joint Statement and the Attachments and confirmed that they are a true and accurate record of the mediation session held on Thursday, 18 December 2014.

The Mediation Joint Statement will be available to all parties on the hearings page of the website within 3 days of the mediation.

The Parties and Issues report will be updated with before the hearing with the outcome of pre-hearing processes, including mediation. The updated Parties and Issues report will be available to all parties on the hearings page of the website before the hearing.







Mediator's Name	Bryan Bates
Mediator's Signature	
Date	18 December 2014

8. Attachments

8.1 Attachment 1 - Parties to Mediation record

8.2 Attachment 2 – Proposed Auckland Unitary Plan – Sewage discharges to vessels provisions

8.3 Attachment 3 – Example Maps presented by Yachting New Zealand Incorporated

Submission Number	Full Name	Discharges – sewage from boats- 18 December 2014	Signature - By signing this record I agree to the comments made in the Mediation Joint Statement	Email
5716	Auckland Council	Stacy Fair, Kath Coombes, Dominic McCarthy, Matthew Gibben		corina.faesenkloet@aucklandcouncil.govt.nz
6100	Auckland Regional Public Health Service	Simon Baker and Lesley Breach and Jane Dudley		jdudley@adhb.govt.nz
316	Auckland Yacht and Boating Association Incorporated	Richard Brown		rtchardandclarebrown@gmail.com
241	Basil Orr	Basil Orr		basil@orr.co.nz
298	Brian L O'Neill	Brian L O'Neill		irene_brian@hotmail.com
838, FS 2265	New Zealand Defence Force	Karen Baverstock	<i>left at 10:10 am.</i>	kbaverstock@tonkin.co.nz
6699, FS 2399	Yachting New Zealand Incorporated	Mark Poynter and Richard Brabant		jeremy@brabant.co.nz

5 Coastal zones

5.1.11 Sewage discharge from vessels

Background

Auckland has a high concentration of recreational and boating activities. The direct discharge of sewage into coastal waters from vessels reduces water quality. This can have localised adverse effects on amenity values, recreational activities, cultural values, ecology, and marine farming. The effect of discharges from vessels cause most concern during peak summer months and holiday periods, particularly in enclosed bays, harbours and popular anchorages.

The Resource Management (Marine Pollution) Regulations 1998 set limits on where sewage can be discharged from boats. The regulations leave small areas, mainly channels, within certain harbours, embayments, or estuaries where it is lawful to discharge untreated sewage from boats.

Sewage pump-out facilities enable vessels with holding tanks to dispose of waste appropriately rather than discharging further offshore. Such facilities are available at several marinas, however there are currently no such facilities at cruising destination sites such as Great Barrier Island and Waiheke Island. A lack of available sewage pump-out facilities necessitates the direct discharge of sewage from vessels into coastal waters.

Objectives

1. The values of the CMA, and the activities that rely on high water quality, are protected from the adverse effects from the discharge of sewage from vessels
2. The high recreation and amenity values of the inner Hauraki Gulf are maintained.

Policies

1. Avoid the discharge of sewage from vessels within areas that have been identified as inappropriate due to the proximity to shore, marine farms, marine reserves, or shallow water depth.
2. Require provision of sewage collection and disposal facilities for vessels at new ports, marinas and other appropriate facilities, or at the time of significant upgrading of these facilities.
3. Promote the installation of public toilet facilities at high use boat ramps and boating destinations, at construction, or during significant upgrades of these facilities
4. Promote public awareness and education campaigns around the discharge of sewage from vessels, and use of vessel holding tanks and pump-out facilities.

6 Coastal - General Coastal Marine zone

1.7 Discharges (s. 15 RMA)

Activity table – General Coastal Marine zone, SEA-M, ONC, HNC, ONL, ONF and HH overlays						
	General Coastal Marine zone	SEA-M1, ONC	SEA-M2, HNC, ONL	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
Discharge of untreated sewage from a vessel or offshore installation	P	P	P	P	P	P

2. Land and water use controls

The land and water use controls specified for the General Coastal Marine zone apply to the CMA in all the coastal zones and precincts unless otherwise specified under the relevant zone or precinct.

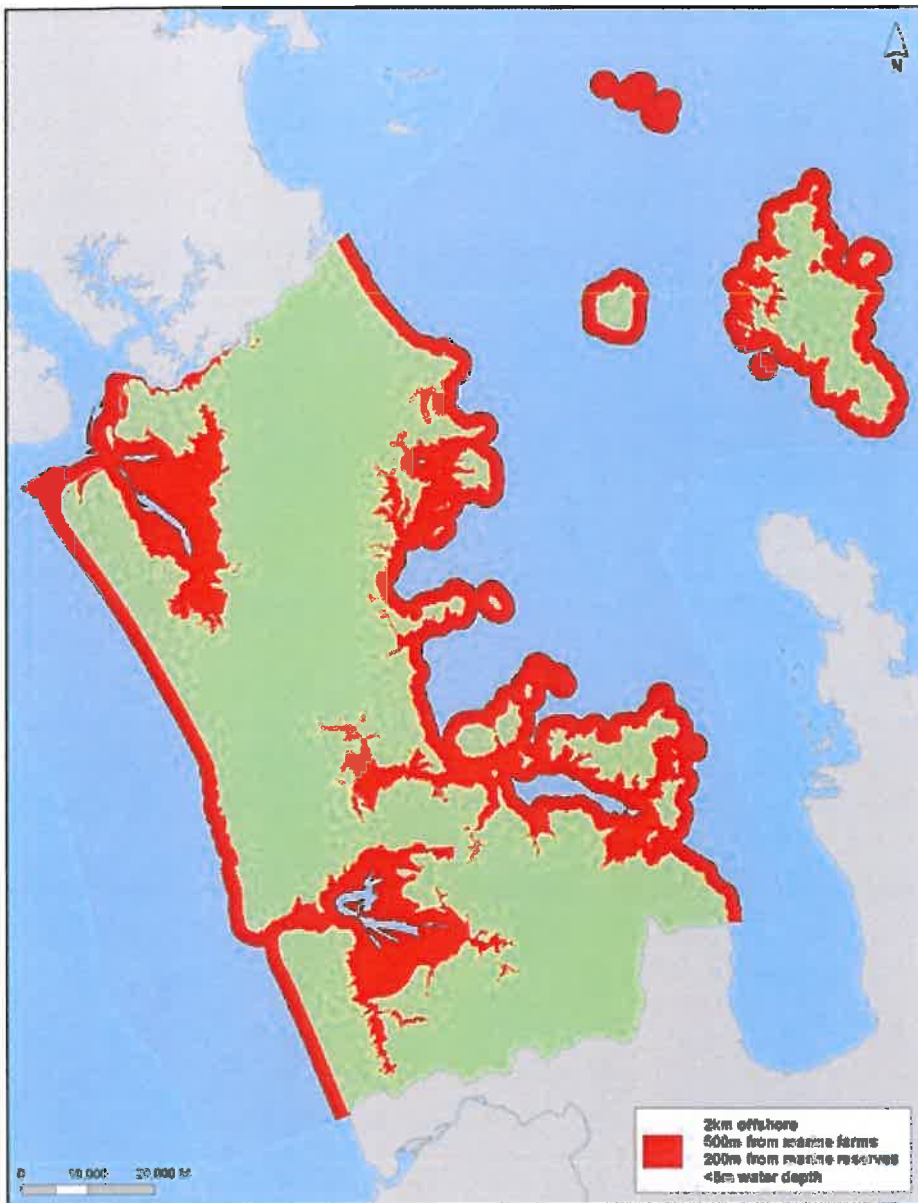
2.15 Discharges

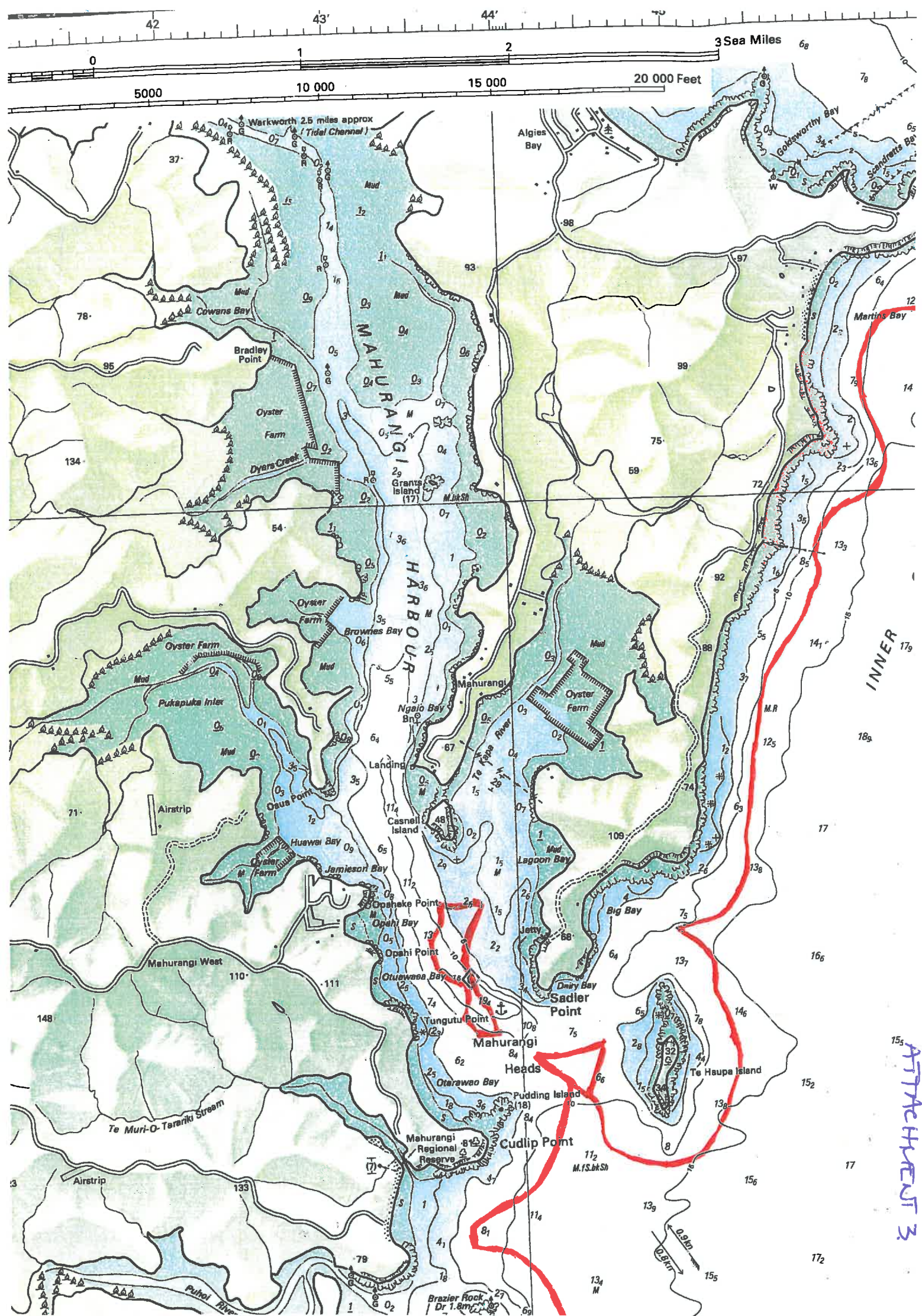
1. General - All permitted activities:
 - a. the discharge must not, after reasonable mixing, give rise to any or all of the following effects:
 - i. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials
 - ii. any conspicuous change in the colour or visual clarity water in the CMA
 - iii. any emission of objectionable odour
 - iv. any significant adverse effects on aquatic life
2. Discharge of untreated sewage from a vessel or offshore installation:
 - a. the discharge must be in water depths greater than 5m
 - b. the discharge must be more than 2km from MHWS (other than as specified in (f))
 - c. the discharge must be more than 500m from an aquaculture activity
 - d. the discharge must be more than 500m from a mataitai reserve
 - e. the discharge must be more than 200m from a marine reserve
 - f. notwithstanding (b), in harbours during extreme weather conditions when wind conditions at the mouth of the harbour exceed 25 knots and sea swells exceed 3 metres, untreated sewage may be discharged as necessary for health and safety reasons, provided that:
 - i. the discharge is more than 500m from MHWS and
 - ii. the discharge takes place during the first 3 hours of an outgoing tide.

Note: Discharges that do not meet these requirements are prohibited activities under the Resource Management (Marine Pollution) Regulations 1998. Discharges of treated sewage from a vessel or offshore installation are controlled under the Regulation.

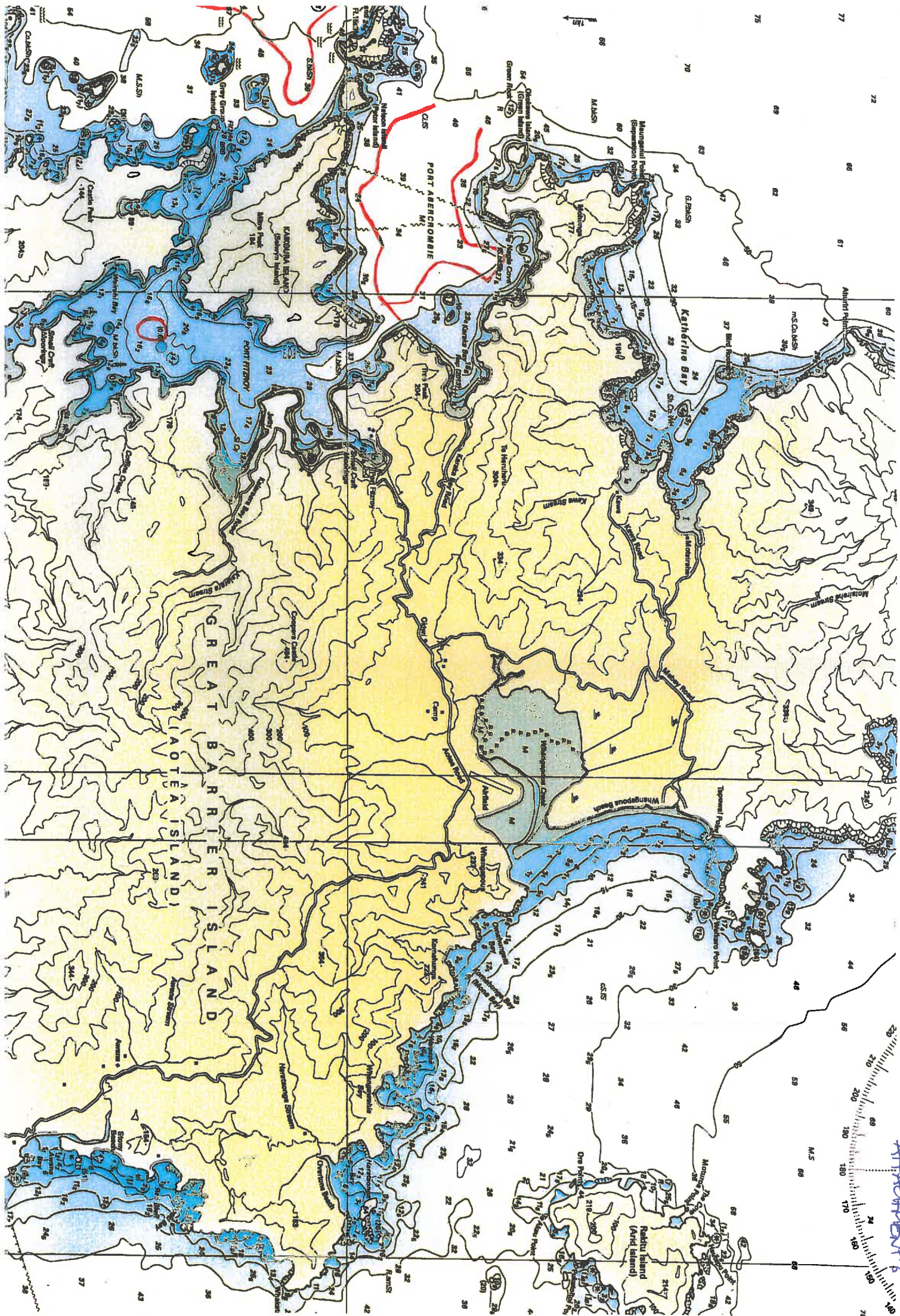
ATTACHMENT 2

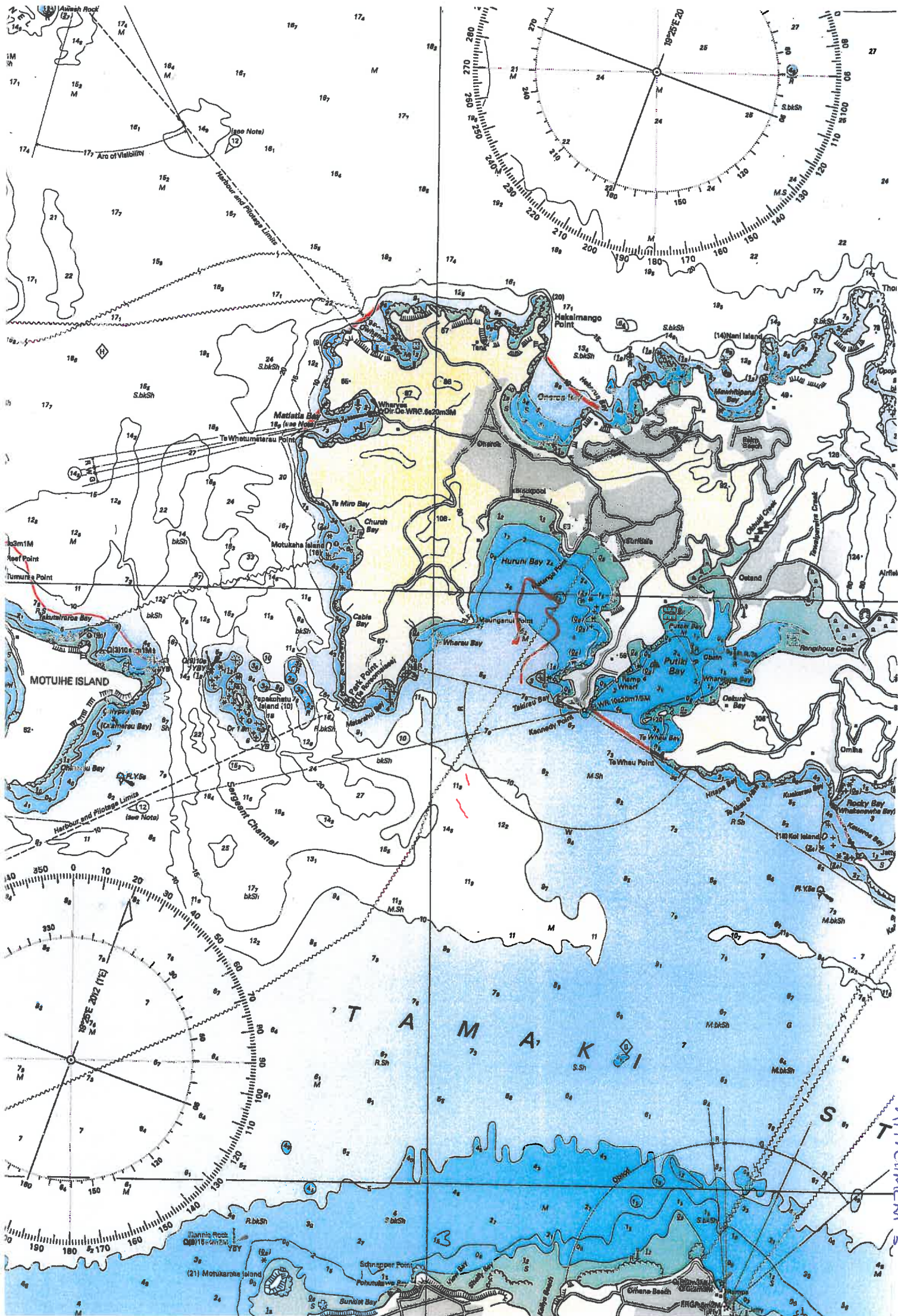
Figure 1: Sewage discharges restriction from vessels





155 AFFIXES 3.





ATTACHMENT 2

