Thank you for the opportunity to make a submission on the Draft Water & Land Plan.

Southland District Council has responsibility for the management of our community water and waste services, provision of cemeteries, implementing on-site wastewater standards through the building consent process, and also has a role in managing land uses through our District Plan. Council therefore has a widespread interest in the provisions of the Proposed Water & Land Plan.

In terms of the water and waste infrastructure, Council manages:

- 18 sewerage schemes
- 28 stormwater networks
- 11 urban water supply schemes
- 11 rural water supply schemes (two used for drinking water for people, the remainder for stock)

Therefore Council has a significant number of consents and will be significantly affected by the proposed plan. This also raises concerns regarding the consequential impact to ratepayers. In addition Council operates water and wastewater scheme
across all five indicative Freshwater Management Units which adds a significant layer of complexity and financial uncertainty when trying to understand implications to our ratepayers.

The key matters Council wishes to highlight, that have been discussed throughout the submission are:

- How equitable the requirements are across different activities that are discharging to water - where a more lenient approach is taken in regard to some activities, the implications of this in terms of additional regulation (and costs) for everyone in the future need to be considered;
- The affordability of the additional requirements imposed on existing activities - consideration needs to be given to how much some of these improvements will cost in relation to the improvements to water quality they will achieve. There should be a focus on changes that will make a measurable difference in the receiving environment;
- How the changes are phased over time for existing activities – for new activities / discharges rules can apply immediately, however for existing activities there needs to be a transition period to enable improvements to be made and expenditure planned for;

It is important for the Regional Council to recognise that there are limited funds in Council’s Long Term Plan for wastewater and stormwater upgrades. To increase these amounts will have the potential to significantly adversely affect ratepayers if there is not an acknowledgement that improvements in line with the proposed plan are phased over a period of time. We would support further dialogue with the Regional Council around the prioritisation and timing of upgrades.

### Section 32 Evaluation Report

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<td>Diffuse nutrient discharges / farming</td>
<td>While much of this submission focuses on the direct effects of the Plan on Council functions, Council also has an interest in the overall wellbeing of the communities in the Southland District. Therefore we also have a broader interest in the potential effects of these rules on our communities. While we note there is proposed to be an increase in regulation of farming activities our wider concern is the overall cost to our communities from the approach to regulating all activities that generate adverse effects on our environment.</td>
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<td><strong>Cost now or cost later?</strong></td>
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<td>The section 32 analysis considers four options for managing diffuse nutrient discharges (farming): (A) Status quo; (B) Engagement Option; (C) the Proposed Water and Land Plan; and (D) the Proposed Water and Land Plan version with dairy farming in the Oxidising physiographic also being a non-complying activity (rather than discretionary). Each of these options has been assessed for their effectiveness, however the option Environment Southland have proceeded with in the Water and Land Plan is rated the 3rd most effective out of the four options. What does this mean for communities, as opposed to farming? In order for those water quality objectives to be met, presumably greater improvements will need to be made by other discharge activities? Have the benefits and costs of shifting this responsibility been fully considered? It is acknowledged that there is further discussion of the options in terms of their efficiency, and that is where Environment Southland has argued that the preferred option is Option C. However even in the efficiency discussion, the key difference between Option C and D is stated as “cost now” or “cost later”. Council queries what is achieved by delaying the inevitable costs, and whether this is actually increasing the overall costs for everyone. Essentially allowing activities to continue to convert additional land to higher impact activities will likely mean that water quality will continue to degrade leaving territorial authorities (who are funded by the community) and other existing activities having to meet</td>
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higher and higher standards, or greater proportional reductions at increasing cost.

The section 32 analysis even acknowledges that Option D “lessens the cost and uncertainty during the FMU process compared to Option C”, so it is not clear how following the analysis of the efficiency and effectiveness of the different options, Environment Southland has come to the decision to proceed with Option C.

The section 32 report outlines (on page 83) the physiographic zones that are most susceptible to nutrient loss under intensive land uses: Old Mataura, Oxidising, Riverine, Central Plains, Peat Wetlands. Yet only the Old Mataura and Peat Wetlands Physiographic Zones are subject to the more restrictive non-complying activity status (with the rest being discretionary) for new or expanding dairy farms.

As highlighted on page 107 of the section 32 analysis, measures to address effects on water quality could be undertaken at the source or downstream, and the magnitude of the costs and who these fall on varies accordingly. Therefore if the farming rules are more relaxed than the science suggests they should be, the costs will be pushed onto downstream users, which could spread those costs onto Council. This then spreads the costs across the community and many of those ratepayer will also be dealing with other catchment mitigation costs.

Overall, SDC’s concerns are that the plan could be delaying regulations at a greater long term cost for all parties that contribute to the overall discharges, including both Council and farmers.

Decision Requested

The section 32 does not support the differences in the regulatory framework either between the physiographic units or between different activities. Council seeks a comprehensive analysis be undertaken and the regulatory framework redrafted to reflect that result.

This section of the section 32 report deals with the discharge rules that apply to, among other things, territorial authority’s wastewater and stormwater discharges. Council is particularly concerned about the level of analysis around the efficiency of the options, and the potential costs of the rules that have not been considered.

The changes to the discharge rules and associated policies in the Proposed Water & Land Plan mean Council will need consents for several of the stormwater discharges that don’t currently need consent, and where consent is already required, the bar to obtaining consent is much higher. Council understands that in terms of the ‘effectiveness’ analysis these policies and rules would achieve those objectives. However there is no consideration of the costs of these rules to Councils (which then flows on to communities through rates) in terms of the efficiency of the Water & Land Plan approach, and the benefits that would be generated relative to the costs incurred.

Individual costs to landowners for changes to the subsoil drainage rules have been recognised, but no other costs to individuals have been recognised. In terms of costs at the community level, only small costs to Environment Southland in terms of lost revenue and monitoring permitted activities have been identified.

It is important that there are clear benefits that justify the costs involved in what can be significant investments to improve water quality. For example, for several years the
### Section 32 Evaluation Report

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| Edendale wastewater scheme which discharges into the Mataura River was struggling to meet the required level of ammonia and dissolved reactive phosphorus (DRP) in the consent conditions. Council has spent $450,000 on improving the discharge to meet the requirements. These conditions are now met, however over that entire period, measuring the water quality upstream and downstream of the discharge, there has been no discernible change. This also brings into question the fact that no account is taken of the scale of a discharge in relation to the receiving watercourse. While the section 32 analysis does not quantify the costs, SDC considers approximately 15 new consents may be required for stormwater discharges at a cost of up to $20,000 per consent (for both the preparation and processing of the consent). This does not take into account any upgrades that would be required to meet the expectations of Objective 6 and Policy 15. Such costs are difficult to quantify with the current level of certainty around the regulatory framework but consideration still needs to be given to these potentially significant costs. SDC also has concerns around how the Water & Land Plan gives effect to the Proposed Southland Regional Policy Statement (PSRPS). The PSRPS contains some strong policy directives with regard to the protection of water quality however there are also some balancing policies and methods that recognise the importance of infrastructure to the community. For example Method INF.1 directs that Regional Plans include objectives, policies and methods that will “enable the development, use, maintenance and upgrading of infrastructure, whilst ensuring the management of any associated adverse effect”. Policy INF.2 of the PSRPS also clearly highlights that adverse effects of infrastructure should be avoided, remedied or mitigated, but also recognises the practical limitations that should be taken into account such as the functional, operation or technical constraints, whether there are any practical alternative designs and locations and whether good practice approaches in design and construction are being adopted. Policy WQUAL.6 also recognises the social, economic and cultural benefits from the use of water resources. These balancing policies appear to be missing from the overall policy framework of the Proposed Water & Land Plan and therefore fail to completely give effect to the RPS. SDC accepts that improvement to water quality need to be made and this means the discharges Council is responsible for will need to improve. However consideration needs to be given to how much some of these improvements will cost in relation to the improvements to water quality they will achieve and the expected timing for such improvements. From there the funding and improvements can be prioritised on those changes that will make the most difference. For example Council has $36 million in planned expenditure available over the next 10 years. Would that be better spent on improvements to the wastewater or stormwater networks? Consideration should also be given to the timing. For example is it better to do this work now when upstream quality fails to meet standards or is it better to wait until standards are largely met so that a more realistic assessment of what level of improvement to council discharges is actually required. An example of this is actually currently being process for the renewal of the Nightcaps wastewater consent. **Decision requested** Further analysis be undertaken and the concerns around equitability and affordability outlined above be taken into account by decision makers when considering the rules in the Proposed Water & Land Plan. Further consideration is given to how the Proposed Water and Land Plan is giving effect to
Section 32 Evaluation Report

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<td>the PSRPS, in particular the balancing policies that recognise infrastructure such as Councils wastewater, stormwater and water supply networks.</td>
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<td>Specific amendments to the objectives and policies have been outlined further in this submission.</td>
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<th>Objectives</th>
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<td><strong>Objective 6</strong></td>
<td>Objective 6 requires no reduction in water quality and the maintenance and improvement of water quality. Given that the terms are linked by ‘and’ rather than ‘or’ it can be read as essentially meaning water quality is always to be improved. It also refers to improvement in terms of water bodies that have been degraded by human activities, which would essentially be almost all of the water bodies in Southland, except those in the most remote areas.</td>
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<td>Council seeks clarity around what “improving” is intended to mean, and whether this is going to require all activities to improve the quality of water they are discharging into and to what extent improvement is required. We understand further clarity is likely to be provided through the Freshwater Management Unit objective and limit setting process, but in the interim, there is great uncertainty and potential cost implications.</td>
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<td>For example, in Nightcaps the discharge goes into the Wairio Stream. The upstream water quality is degraded and the downstream results are largely similar to the upstream results. The questionable/uncertain impact from the discharge makes it unclear how much of an upgrade is required on this discharge unless the upstream samples were to improve and consistently meet water quality standards.</td>
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<td>It is noted that the wording comes from the NPS for Freshwater Management, however that wording refers to improving the quality of water where they have been degraded ‘to the point over being over-allocated’. This provides some context to understanding how water quality is to be improved. However the Objective in the Water &amp; Land Plan lacks such context. It should also be noted that the latest proposals for the Freshwater Management Framework indicate that it is central government’s intention that council should have flexibility to maintain water quality to ensure it remains within an attribute band. Council supports this concept and wishes to see it more clearly reflected within this policy. This could better align with the ‘band’ approach in the NPS-FM. The NPS-FM creates a band/range for each numeric attribute state which could allow for some reduction in the water quality provided it stays within the median range for that attribute state. For example, a river that has an attribute state of B for Nitrate (toxicity) can have an annual median of between 1 and 2.4 milligrams nitrate-nitrogen per litre. Hypothetically, if you had a water body with 1.5 milligrams per litre, and as a result of a discharge it increased to 1.7 milligrams per litre, it would still meet the requirements of that attribute state however it would not be giving effect to the objective.</td>
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<td>The Proposed Regional Policy Statement also states in Policy WQUAL.1 that discharges and land use activities are managed to maintain or improve water quality “to ensure freshwater objectives are met”. It is considered that this also provides some important context to how water quality should be maintained or improved. Therefore it is suggested similar wording is added to the end of this Objective, as outlined below.</td>
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Objectives

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<td>Decision Requested</td>
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Amend the wording as follows:

“There is no reduction in the *overall* quality of freshwater, and water in estuaries and coastal lagoons, by:

(a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and

(b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.

...to ensure freshwater objectives are met.”

Policies

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<td>Policy 14</td>
<td>Preference for discharges to land</td>
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Council generally accepts that, where possible, wastewater discharges should be to land rather than water. However this policy appears to apply to all discharges including stormwater discharges. Currently most stormwater across the region is discharged to water. Where achievable, it would require significant upgrades of infrastructure to dispose of this to land before entering water bodies. This would therefore have significant costs associated with it, which is exacerbated by the fact that Council has limited ability in some places to control what goes into reticulated stormwater systems. These comments are also relevant to a number of wastewater discharges where the nature of underlying soils will mean this is neither technically or financially a feasible option.

For example, there can be natural watercourses of a poor water quality that enter existing stormwater reticulation and is then discharged to water. Council has responsibility for the reticulated stormwater assets, but it is difficult to attribute responsibility or manage the discharges into the reticulated system. Therefore Council could be imposed with the costs of improving the water quality that has been degraded from other activities. Council again queries whether the benefits of this applying to stormwater outweigh the significant cost that would be incurred, and whether that investment could achieve better environmental outcomes if redirected elsewhere.

Decision Requested

“Prefer discharges to land, rather than direct discharges to water where practicable.”

Policy 15 | Maintaining and improving water quality |

Part 1 of the policy states that essentially any reduction in water quality should be avoided for new discharges. Parts 2 and 3 of the policy also refer to avoiding discharges to land or land use activities that will reduce water quality unless the effects can be avoided, remedied or mitigated. It is considered that this same proviso of effects being avoided, remedied or mitigated should apply to discharges to water. This would still provide the policy with sufficient strength as the second half of the policy still requires those relevant
water quality standards to be met, but it recognises that in some cases discharges to water could still be appropriate where the appropriate remediation or mitigation had been undertaken.

Council is also concerned about the listing of the standards in the second half of the policy and questions whether Environment Southland intends for all of those standards to be met, or whether the requirement should be for at least one of those requirements to be met. As currently worded any discharge would have to ensure Drinking Water Standards are met, which goes beyond the minimum requirements of the NPS and such a standard of treatment should be something decided on through the community limit setting process. It would be more appropriate to refer to discharges to land meeting Drinking Water Standards at the point of nearest abstraction.

Consideration should also be given to the discharge in the context of the catchment load. How much is any individual discharger expected to do, as they won’t be able to resolve water quality issues on their own, particularly where their current discharge is only a small contributor to the catchment load?

Council continues to have the following broader concerns:

- There is the potential for perverse unintended outcomes. For example, a new wastewater scheme may be established in an area where there are currently numerous failing septic tanks. The new wastewater scheme will create a new discharge with a measureable effect, but it is likely to have a much smaller impact on the environment than retaining the status quo with several discharges of potentially untreated or poorly treated wastewater. A recent example of this is at Curio Bay where a new wastewater scheme has been consented, which will create a discharge to water. However the overall outcome is an improvement from the current situation with the on-site wastewater system at the campground which cannot meet the demands from visitors, and several ageing individual systems attached to dwellings which could eventually connect to the wastewater scheme.

- While the policy does provide some context of the water quality standards trying to be achieved, the policy does not provide any indication of what would be considered a ‘reduction in water quality’. We could point to a number of examples such as the Ohai wastewater discharge where the discharge from our activity can be a significant contributor to flow in the receiving water and as such it would take significant unwarranted expenditure to try to meet this objective. The discharge from the Ohai Wastewater Treatment is amongst the highest quality discharges from any of Council’s scheme yet the nature of the watercourse means it would never meet the standards without significant expenditure. The discharge goes into a transient watercourse that is dependent on climate conditions and of limited ecological value at that point. Similarly there are a number of examples where upstream quality does not meet the required standard so no matter what level of improvement was introduced to the discharge it would not achieve the desired outcome in terms of improving overall water quality.

Council supports the intent of the plan to manage water quality but is concerned that there still needs to be a balance between that and economic activity. As such the timing of any improvement from individual activities is crucial to ensure appropriate outcomes are met.
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**Decision Requested**

Amend the wording of the policy as follows:

“Maintain and improve water quality by:

1. Despite any other policy or objective in this Plan, avoiding new discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing unless the adverse effects of the discharge can be avoided, remedied or mitigated;
2. Avoiding point source and non-point source discharges to land that will reduce surface or groundwater, unless the adverse effects of the discharge can be avoided, remedied or mitigated;
3. Avoiding land use activities that will reduce surface or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and
4. Avoiding discharges to artificial watercourses that will reduce water quality in a river, lake or modified watercourse beyond the zone of reasonable mixing;

So that:

1. Water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards”; or
2. Water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards”; and
3. Water quality meets the Drinking Water Standards for New Zealand 2005 (revised 2008) at the point of nearest abstraction; and
4. ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met.”

**Policy 24  Water abstraction for community water supply**

Support in part.

The recognition of water abstraction for community water supplies is supported. Council queries how this would be applied in practice for example with new community water supplies in catchments where the water has been over allocated.

For example, when Council was looking for a water supply for the Lumsden township we had to source a new supply from an alternative aquifer further away, because of over-allocation which in some cases may be an over-allocation on paper only.

**Decision Requested**

Clarification over how the policy would be applied to new community water supplies in catchments where the water has been over allocated.

Further guidance around defining the ‘scale of the activity’ and therefore the expectations.
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<td>around the scale and detail of the water demand strategy document.</td>
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<td><strong>Policy 32</strong></td>
<td>Protect significant indigenous vegetation and habitat</td>
<td>Neutral. Council does not oppose the content of the policy, but queries whether there are any methods/rules to support this.</td>
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<td><strong>Decision Requested</strong></td>
<td>Amendments to clarify the relationship between the objective, policies and rules, as the objective and policy refer to dryland areas but the rules relate only to wetlands.</td>
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<td><strong>Policy 40</strong></td>
<td>Determining the term of resource consents</td>
<td>Support in part. This policy should also recognise and make it easier to apply for and have granted consents for the maximum term as allowed under the RMA. Council has recently applied for a number of consent renewals for wastewater discharges where the 35 year term sought has been reduced to 25 years with limited justification. There is often significant capital investments made on upgrades required by the consent. These investments are designed and expected to last a generation, so one generation is not paying the significant costs associated with multiple upgrades to the infrastructure. The duration granted should therefore reflect the expected life of the infrastructure that has been upgraded and serious consideration should be given to granting the maximum period as happens in other parts of the country. It is acknowledged that subclause (d) already refers to the permanence and economic life of any capital investment; however Council wishes to reiterate that consideration should be given to this in the implementation of the plan. Recent consent applications made by Council have not had the full 35 year term granted with often little justification or reasoning why.</td>
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<td><strong>Policy 42</strong></td>
<td>Consideration of water permit application</td>
<td>Council is particularly concerned with the wording in clause 1 of the policy stating that consents will not be granted if waterbodies are fully or would be fully allocated as a result of the application. With the policy as currently drafted it may be difficult to establish new community supplies in currently unreticulated towns in some areas, without potential significant additional expenditure required to find water from a more remote source. This has already happened in one instance when Council was required to source a new supply of water for the Lumsden township from an alternative aquifer further away. This concern is particularly relevant where there may be an over-allocation on paper, but the actual</td>
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Levels of water use mean the catchment is not over-allocated.

**Rules – Discharge**

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| Rules 5 & 6 | Rule 5 - Discharges to surface waterbodies that meet water quality standards  
Rule 6 - Discharges to surface waterbodies that do not meet water quality standards  
Under rule 6, if a discharge reduces the water quality below the water quality standards in Appendix E at the downstream edge of the reasonable mixing zone it would be a non-complying activity. However the wording of rules 5 and 6 make it unclear what activity status applies where the water quality upstream of the discharge already breaches water quality standards. If it is the intention that discharges into water bodies that do not meet the water quality standards immediately upstream of the discharge will be non-complying, no matter the effect the discharge has, this would have a significant impact on Council’s discharges. For example, Tuatapere discharges into the Waiau River. It is a small discharge into a large water body within overall no impact, but the upstream water quality can exceed water quality standards. Therefore when Council comes for a consent renewal this could change the discharge to a non-complying activity making it harder to get consent. Council considers a non-complying activity status is inappropriate for an essential function such as the discharge of wastewater where it is sufficiently treated. It is inevitable that this discharge will be required as communities will continue to produce wastewater, and a non-complying activity status sends a signal that this activity is not appropriate. Council does not consider it should be penalised when the quality of the discharge itself could be exactly the same in two different places but in one scenario the existing water quality meets the required standards so only a discretionary consent is required, and in the other it does not meet water quality standards so the discharge is considered a non-complying activity. Decision Requested A specific discretionary activity rule for community sewerage schemes discharging to water (given there is a specific rule for community sewerage schemes discharging to land) OR clarify that the non-complying rule applies where it’s the discharge reducing water quality not the existing quality of the surface waterbody that affects the activity status. Rule 8 | Discharges of surface water Council also seeks clarity around what the activity status is if those conditions of the
### Rule 13

**Discharges from installed subsurface drainage systems**

Rule 13 provides for discharges from on-farm tile drains as a permitted activity which have the potential to result in measurable effects beyond the zone of reasonable mixing. Council queries how this can be permitted but other discharges such as those from a reticulated stormwater network are required under other rules to meet much higher standards. Council does not wish to oppose Rule 13, but seeks some clarity from Environment Southland, as to how this distinction, and the consequential impacts in terms of the regulation imposed on other activities, is justified.

**Decision requested**

As outlined in the comments above on the section 32 analysis, Council seeks a comprehensive analysis be undertaken on the equitability and benefits and costs of the rules and the regulatory framework redrafted to reflect that result.

### Rule 15

**Discharge of stormwater**

Rule 15 makes all stormwater discharges from a reticulated system a discretionary activity. Council has a number of examples where there are open drains/modified water courses running through urban areas that originate well outside the urban boundary and as such reasonable levels of contaminants have the potential to have built up before they reach the urban boundary. There is therefore the potential for water quality standards to have been compromised prior to any inputs from the urban stormwater system. However through this rule, it appears Council would be required to cover the costs of increased treatment and consenting processes. This concern comes from the definition for reticulated system which includes channelled networks for collecting stormwater.

Examples of this include areas of Dipton and Lumsden where modified ditches originate several kilometres upstream of towns so can already contain high levels of contaminants by the time they pass into the township boundary. Similar concerns have been raised by other Territorial Authorities.

**Decision Requested**

SDC is seeking clarification over how this will be addressed and where the responsibility will lie for those contaminants entering the reticulated system. Practically, monitoring upstream and downstream is the only way to determine whether the effects of stormwater connections are being mitigated.

The specific changes to the objectives and policies outlined earlier will go some way to addressing these concerns outlined in relation to Rule 15.
## Rules – Discharge

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| Rule 17   | **Dust Suppressants**  
SDC does not typically use dust suppressants, however we do issue permits for their use on our roading network. This permit notes that it does not authorise application in circumstances where the dust suppressant may enter water.  

While we do not consider this is the intent of the rule, we do wish to confirm that this rule would not apply to bitumen which is sometimes applied to our gravel roads, which in essence acts as a long term dust suppressant. While it is considered a road surface, in terms of funding it can be treated more as a suppressant therefore there could be ambiguity regarding the interpretation of this rule.  

**Decision requested**  
The rule be amended to clarify that bitumen type seals (including ottoseal and conventional seal) are not considered under this rule. |

## Rules – Effluent and Sludge

### General

SDC supports the overall direction of the effluent rules but there are some provisions which require further clarification and amendment as outlined below.  

**Decision requested**  
SDC wishes to ensure there is consistency between NZS1547:2012 ‘On-site Domestic Wastewater Management’ (‘the Standard’) and the rules proposed in the Draft Water and Land Plan.  

| Rule 26 | **Discharges from on-site wastewater systems** |  
The rule and associated definition for ‘domestic wastewater’ do not provide for cafes or restaurants, as the definition specifically excludes commercial kitchen wastes. Given the context of development in Southland, there are several commercial kitchens that would be located in areas where a reticulated wastewater system is not available and waste has to be disposed of on-site. The recent changes to the Food Act 2014 also provide for commercial in-home kitchens which means they will be part of a domestic wastewater system which could be disposed of on site.  

On-site wastewater disposal from commercial kitchens is provided for in the New Zealand Standard and therefore it is considered appropriate for it to be provided for as a permitted disposal method.
activity within the Water and Land Plan, provided relevant conditions are complied with.

Decisions Requested

Amend the definition for domestic wastewater as follows:

“For the purposes of this rule, domestic wastewater is limited to effluent derived from dwellings, business buildings, institutes and the like, and consisting of toilet wastes and wash waters from kitchens bathrooms and laundries, but excluding commercial laundry and commercial kitchen wastes.”

Part (a) of the rule includes a criteria that the discharge cannot exceed 1,250 litres per day. In previous versions of the Draft Water & Land Plan there was also a volume limitation in relation to new systems considered under part (b) of the rule. This appears to have been removed, but it is considered that this should be reinserted to make it clear the permitted volume of discharges (refer to the new (i) below). Anything over that volume should require consent to ensure the environmental effects of high volume discharges outside the scope of the standard are monitored and maintained.

A previous version of the Draft Water & Land Plan also had what was essentially a vertical separation distance of 900mm between the bottom of the soil infiltration surface and the mean seasonal high ground water table and any perched water. This appears to have been removed, and Council suggests this should be reinserted in the plan as a criteria of that permitted activity. Rules 27 and 28 continue to have those minimum requirements so including it in Rule 26 will provide consistency across the rules.

A small amendment to the terminology in (vi)(5) of Rule 26(b) is also suggested to ensure the terminology is consistent across the plan, in particular the reference to tile drains which have been included within the term ‘subsurface drainage systems’ in Rule 13.

Decision Requested

Amend the wording of the rule as follows:

“(b) The discharge of treated domestic wastewater, onto or into land in circumstances where a contaminant may enter water from a new on-site wastewater system or a replacement of an existing system is a permitted activity provided the following conditions are met:

(i) The discharge does not exceed 14,000 litres per week; and
(ii) the treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management; and
(iii) the treatment and disposal system is operated and maintained in accordance with the system’s design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS
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<td>1547:2012 – On-site Domestic Wastewater Management; and</td>
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<td>(iv) the discharge does not result in wastewater being visible on the ground surface; and</td>
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<td>(v) the discharge does not contain any hazardous substance.</td>
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<td>(vi) the on-site wastewater system is not used for the disposal of wastewater from chemical toilets;</td>
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<td>(vii) the discharge is not within:</td>
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<td>(1) 20 metres of any surface waterbody or artificial watercourse, excluding interception drains which benefit the on-site wastewater system;</td>
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<td>(2) 50 metres of the coastal marine area or any natural state waters; or</td>
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<td>(3) 50 metres of any bore or well used for potable or stock water supply;</td>
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<td>(4) the microbial health protection zone of a drinking water supply site identified in Appendix J, or where no such zone is identified, then 250 metres of the abstraction point of a drinking water supply site identified in Appendix J; or</td>
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<tr>
<td>(5) 20 metres of any tile drain subsurface drainage system.</td>
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<td>(viii) the system is designed so that:</td>
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<td>(1) the soil beneath the soil infiltration surface is maintained as permeable / freely draining to a depth of at least 600 millimetres; and</td>
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<tr>
<td>(2) the bottom of the soil infiltration surface is no less than 900 millimetres above soil characteristics associated with the mean seasonal high groundwater table and any perched water.”</td>
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**Reference to ‘potable’ water**

Council supports the addition of wording relating to stock water supply. However Council remains concerned with the use of the term ‘potable’ and considers it would be more appropriate for the setback in this rule to apply to bores generally. This would provide a more ‘whole of aquifer’ approach, which is consistent with Objective 8 which refers to the quality of water in aquifers.

Councils concerns come from situations where a disposal field has been allowed in close proximity to a bore because that bore itself is not used for drinking water, but there are other bores nearby that are used for drinking water and access the same aquifer. One example has been where a bore 19 metres from a discharge didn’t meet the definition of potable under the drinking water standard, but the water was used for hand washing and school supply. The rules did not prevent the discharge from being sited closer than 50m without resource consent, however if the wording was changed as suggested below, there would be the ability to consider those matters through the consent process.

**Decision Requested**

Amend the wording as follows:
(vi) the discharge is not within ...

(3) 50 metres of any bore or well used for potable or stock water supply;

Similar amendments should also be made to Rule 27(a)(v)(3), Rule 28(a)(v)(3) and Rule 29 (a)(ix)(3).

Sub-clause (f) refers to the discharge of raw sewage being a prohibited activity. Council seeks clarification that this only relates to raw sewage from an on-site wastewater system which is the activity Rule 26 relates to.

**Decision requested**

Amend wording of rule 26(f) as follows:

“Despite Rule 26(a) to (e), the discharge of untreated domestic wastewater, raw sewage from on-site wastewater systems, or effluent from mobile toilets, into surface or groundwater is a prohibited activity.”

**Rule 32**

**Effluent Storage**

Council supports the inclusion of all types of storage of agricultural effluent in this rule, rather than just ponds.

**Decision Requested**

Retain the approach that the agricultural effluent storage rule relates to any type of storage.

**Rule 33**

**Community Sewerage Schemes**

Council is concerned about the value and feasibility of the testing method outlined in subclause (a)(i)(2). These concerns include:

- The drop test generally requires a fixed volume of effluent over the testing period.
This is impractical for a community wastewater pond that needs to have effluent continually arriving at and being discharged from the pond. Communities will continue to generate wastewater and therefore the wastewater will need to go somewhere. If the pond is closed off, this would mean either the discharge of untreated wastewater to the environment or a backup in the network with risk of flooding to property from manholes etc, both of which would be unacceptable outcomes.

- Before setting allowable limits it is important to understand what is normal leakage from a pond in good condition, as even polyethylene lined ponds experience some leakage from the seams and clay lined reservoirs will have more leakage.
- The drop test allows a volume of infiltration to be estimated, therefore if the key parameter is the volume of leakage, the threshold for passing the test should not be based just on the level drop but also on the surface area of the pond.
- If some form of testing is to be adopted, the frequency of testing needs to be considered. The testing methodology in Appendix P refers to desludging being undertaken in the previous year, which infers it could be required after desludging, but it is not clear if this is required every time after ponds have been desludged.

Council also queries whether Chartered Professional Engineers will provide a certification that a pond is “structurally sound” because of the liability implications this creates.

The uncertainty around the timing and frequency of the drop test has been highlighted above, but Council has broader concerns around how the rule is to be applied. For example, if Councils existing wastewater ponds exceed those levels outlined in subclause (a)(i)(2) will we be required to obtain a non-complying resource consent, and what benefit does that provide in relation to the significant expense that could result from this approach. We can also point to examples where ponds are right next to wetlands that are often designed to lose a portion of effluent through their base.

There is also no clarification provided in the rule that this doesn’t include wetlands, which can be used for storage/treatment.

It is considered that Rule 33(a)(i) and 33(b) should be deleted and a discretionary activity status apply to all community sewerage schemes. This provides for a case by case assessment of the effects, but also reflects the necessity of providing such infrastructure for the community. It is also considered that the rule should be amended to also refer to discharges into a surface waterbody to provide a single rule to deal with all community sewerage schemes, whether discharging to land or water.

Decision Requested

“Amend the wording as follows:
(a) The discharge of effluent or bio-solids onto or into land, in circumstances where contaminants may enter water, or into a surface waterbody, from a community sewerage scheme is a discretionary activity, provided the following condition is met:

(i) any pond, tank or structure used to store the effluent or bio-solids prior to discharge is certified by a Chartered Professional Engineer as:

(1) being structurally sound;

(2) meeting the relevant pond drop level outlined below, when tested in accordance with the methodology in Appendix P.

(b) The discharge of effluent or bio-solids onto or into land, in circumstances where contaminants may enter water, from a community sewerage scheme that does not meet the condition of Rule 33(a) is a non-complying activity.”

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<th>Rules – Land Contamination</th>
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<tr>
<td><strong>Provision</strong></td>
<td><strong>Cemeteries</strong></td>
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</table>
| **Rule 48**               | Council wishes further consideration to be given to the implications of this rule on our cemetery assets. A map of the ground water levels across the region was provided by Environment Southland to Council which indicates in most townships the depth to water is less than three metres. This means the extension of any of the existing cemeteries boundaries will require resource consent or new cemeteries to be developed near the township will require resource consent.

Council also seeks clarity around what the consent process would consider or involve. Council is required to provide one metre of cover over the top of a grave, therefore there will be limited ability to control the depth of graves through consent conditions.

**Decision Requested**

Consideration be given to amending the required depth to groundwater, and clarity be provided around the expectations of the consenting process.
**Rules – Taking and Using Water**

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<th>Provision</th>
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<tr>
<td>Rule 49</td>
<td>Abstraction, diversion and use of surface water</td>
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During the construction of roads, water is often abstracted into water tankers, to be used to mitigate dust and maintain or achieve optimum moisture content of roads.

Rule 49 refers to limits on the quantity of water taken per landholding. When working on the construction of a road, there isn’t a relevant landholding to consider. Therefore it is not clear how this rule is intended to apply to water takes for road construction. Notwithstanding this, Council opposes the reduction in the maximum volume of the take to 2,000 litres for temporary water takes such as those for the construction of roads.

The rate of the take has also been decreased from 5 litres per second in the operative Regional Water Plan to 2 litres per second, which could increase the time it takes for a water tanker to be filled from 20-30 minutes to approximately 1.5 hours or longer.

These water takes are temporary over the period of the construction of the road, and therefore differ from typical activities taking water on an ongoing basis.

**Decision Requested**

The taking of water for the construction of a road be exempt from the overall quantity of water take per landholding, and the rate of take be increased from 2 to 5 litres per second.

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<th>Definitions</th>
<th>Provision</th>
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<td></td>
<td>Community sewerage scheme</td>
<td>Clarification is required that this applies to both public and private sewerage schemes ie, those owned by councils as opposed to those under the control of a body corporate.</td>
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</table>

**Decision Requested**

“A scheme that collects and treats sewage from more than three sites which are predominantly residential housing, but may include a component of industrial and trade
<table>
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<td>process effluent. It includes both Council operated and privately operated schemes.</td>
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**Reasonable mixing zone**

It is understood Environment Southland was trying to provide more certainty around the term ‘reasonable mixing zone’ because of its use within the rule framework and the desire to have more certainty around the activity status that will apply.

However such a prescriptive definition will provide problems at a number of our sites where the discharge is to a narrow channel of watercourse. As such the potential mixing zone could be substantially reduced requiring the need for some form of intervention which may not necessarily be justified especially in areas where the upstream limits are already being exceeded.

For example, in Ohai the discharge from the wastewater scheme into a tributary of the Orauoa Stream, essentially is the entire ‘flow’ of that waterway and does not mix with other waters until some way down the Stream. The discharge permit has a reasonable mixing zone that extends from 5 metres upstream of the treated sewage outfall to 50 metres downstream of the outfall. Council would consider it overly restrictive to be penalised by having to move discharges or introduce significant upgrades where such discharges are existing, especially if there is limited ecological value at that time.

The term ‘reasonable mixing zone’ is used in Rule 5 (discretionary activity) and Rule 8 (controlled activity), but is not used in relation to any permitted activities. Therefore it is considered that some discretion or flexibility within the definition may be appropriate. Reviewing the approach taken elsewhere in the country it appears a case by case approach to determining the reasonable mixing zone through the consent process may be appropriate in some circumstances.

**Decision Requested**

Amend wording as follows:

“When determining the size of the zone of reasonable mixing, minimise the size of the area where the relevant water quality standards are breached. The zone shall not be larger than:

(a) for river and artificial watercourse locations with flowing water present at all times;

   (i) no longer than 10 times the width of the wetted channel or 200 metres along the longest axis of the zone (whichever is the lesser), and

   (ii) occupies no greater than two-thirds of the wetted channel width at the estimated 7 DMALF for that location; or

(b) For river and artificial watercourse locations, with intermittent flows, no longer than 20 metres at times of flow and 0 metres at no flow; or

(c) When within a drinking water supply site identified in Appendix O, 0 metres; or
Definitions

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<td>(d)</td>
<td>A distance determined as appropriate through a consent application.</td>
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Sewage and Raw Sewage

Council notes there are two separate definitions for sewage and raw sewage, and queries whether there is a need for the separate terms?

General Decision Requested

Overall Council requests that changes be made to the Water and Land Plan as outlined in our decisions requested above, or other wording that will have similar effect.

General Comments

Council is also conscious that there is still uncertainty around the future limit setting process and what restrictions that will impose in addition to the rules outlined in this Proposed Water & Land Plan. The process for this and how different sectors will be expected to contribute to the reduction in nutrients is still unknown and therefore creates concerns for Council in terms of the levels of investment that may be required now under these rules. This has implications for our communities and the level of certainty we can provide them around potential costs they are likely to incur (through rates), or the implications for levels of service they receive. Council again wishes to reinforce its concerns about the equitability and affordability of the proposed policy and regulatory framework.

Council is disappointed that it is again having to raise a number of the same issues that were identified in previous consultation processes with Environment Southland as there has been very little change to the notified version to address the issues that have previously been raised. There has been no justification included in the section 32 report to explain why no changes have been made given the inequities between the cost of compliance relative to the overall benefits created in each catchment.