

Summary of evidence of Janan Dunning

- 1 My name is Janan Saul Dunning. I am a Senior Planner with MWH New Zealand Ltd, now part of Stantec. I have been asked by Southland's three Territorial Local Authorities (TLAs) to provide planning evidence in respect of their submission on the proposed Southland Land and Water Plan (pSWLP) being heard today.
- 2 I have read Environment Southland's section 42A report in respect of the matters raised in the TLAs' submission, including the proposed changes to Policy 15 and Rule 5.
- 3 One of the key functions of the TLAs is to provide and operate potable water supply, stormwater and wastewater infrastructure as necessary to safeguard the health, safety and wellbeing of the Southland community. The TLAs acknowledge that community infrastructure must contribute appropriately to the maintenance and improvement of Southland's freshwater quality. The TLAs however hold concerns that the provisions of the pSWLP do not adequately take into account the benefits such infrastructure provides, or the technical, financial and operational constraints that can apply. Consequently the TLAs seek changes to some of the provisions to better reflect the importance of community infrastructure in managing the effects of land use and development.
- 4 Stormwater and wastewater networks are a crucial part of avoiding or mitigating potentially significant environmental effects from land use and development, particularly in urban areas. Stormwater networks provide a vital drainage and public health function, as well as helping to maintain the functionality of other infrastructure networks such as roads. Wastewater infrastructure has a critically important role in managing public health risks, as well as avoiding significant adverse effects on receiving water (ground and surface). Along with potable water networks, the TLAs' infrastructure is essential in providing for the community's economic, cultural and social wellbeing, and the quality of the natural and physical environment.
- 5 The pSWLP strongly promotes the maintenance and improvement of freshwater quality as directed by the National Policy Statement for Freshwater Management (NPS-FM). In my view however, it does not appropriately provide for the ongoing operation, maintenance or upgrading of existing, or the provision of new infrastructure as it does not adequately recognise or provide for the TLAs' critical infrastructure¹. While the importance of maintaining and improving water quality across Southland is acknowledged, the plan's focus on water quality maintenance and improvement is currently too absolute, and does not take adequate account of the benefits of critical infrastructure, or the technical, feasible and operational constraints that often apply.

Policy Framework

- 6 The proposed policy framework of the pSWLP takes a very directive and 'absolute' approach to maintaining and improving Southland's freshwater quality, beyond what I consider is intended by the NPS-FM, or the pSRPS. The pSWLP policy framework does not currently recognise and provide for critical infrastructure, which in my view is an important gap. The TLAs have proposed changes to address that gap and give better effect to the higher order documents, while also accepting the important role that the TLAs play in providing part of the water quality solution in Southland.
- 7 TLAs' infrastructure is necessary to enable them to fulfil their role in providing for the health, safety and wellbeing of the communities they serve. The effects of such infrastructure and its operation can be appropriately addressed as discretionary activities, rather than non-complying activities as is currently the case under the pSWLP. Mr Garbett has addressed this in detail in his opening, and Ms Ellison has also discussed this in her evidence.

¹ Critical infrastructure

Infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities and would require reinstatement, and includes all strategic facilities.

Proposed Regional Policy Statement

- 8 Objective INF.1 of the pSRPS² recognises that the TLAs' infrastructure is essential to the health and safety of the community, plays a critical role in social, economic and cultural wellbeing, and acknowledges the significant capital investment for such infrastructure by the community over time. The explanation to the objective notes the expectation that plans prepared to give effect to the pSRPS will take this into account, and give greater weight to provisions that provide for critical infrastructure, and also notes that the degree to which adverse effects stemming from the operation of such infrastructure may be avoided, remedied or mitigated will vary, and that such variation may well be appropriate under the circumstances.
- 9 Policy INF.1 recognises the importance of critical infrastructure in providing for the social, economic, cultural and environmental wellbeing of the community. Policy INF.2 acknowledges that infrastructure can result in adverse effects, and directs that they should be avoided, remedied or mitigated, taking into account the *"functional, operational or technical constraints"*. The policy recognises that there will be limitations on the degree to which that can reasonably be achieved.
- 10 The amendments to the NPS-FM 2017 clarify its intent and in my view validate the TLAs' position in respect of seeking provision in the pSWLP for critical infrastructure. In my view, the pSWLP as currently drafted is absolute, and has less tolerance for the effects of discharges from network infrastructure than anticipated by the NPS-FM or pSRPS which it seeks to implement.
- 11 The TLAs therefore seek to change parts of the policy framework to better reflect the benefits that this infrastructure provides both the community and the environment, including in respect of water quality. The changes acknowledge that infrastructure such as wastewater treatment plants and stormwater networks represent substantial investment by the community in networks that avoid or mitigate significant adverse effects on water quality.

pSWLP Rules

- 12 The rules proposed in Environment Southland's s42A report will typically result in network discharges holding a non-complying activity status. Applications for new or a replacement consents will need to pass at least one of the s104D gateway tests in order for the merits of a proposal to be considered. In practical terms, where the policy and rules frameworks do not allow for adverse effects on water quality, an application could potentially fail both s104D tests and cannot be considered further on its merits, which in my opinion is not the intention of the pSWLP, pSRPS or the NPS-FM.
- 13 Currently, the rules are closely tied to the achievement of water quality standards, which do not anticipate, and are not tolerant of the likely effects of network discharges. If the effects gateway in s104D is closed, the policy gateway must be passed to enable the application to be considered. The directive policy framework of the proposed plan is also closely tied to water quality standards in absolute terms. This means it becomes problematic because the pSWLP policy framework does not tolerate any reduction in water quality. It is therefore conceivable that discharges from critical infrastructure may not be able to be considered on its merits, let alone consented. In my view, the absolute approach to maintaining water quality does not allow the practicalities of critical infrastructure to be taken into account, and is at odds with the direction of the pSRPS to provide for such infrastructure.
- 14 The TLAs therefore propose a suite of changes which would move the status of activities associated with critical community infrastructure from non-complying (typically) to discretionary. A discretionary activity status would:
 - (i) acknowledge that networks are significant community assets with a vital role in safeguarding environmental and community health, safety and wellbeing;

² Currently all but operative.

- (ii) better allow for activities to be considered on their merits through the consent process without diminishing the ability of the consent authority to decline consent for activities that result in significant adverse effects, or to grant applications with stringent conditions, milestones and timeframes, and robust effects monitoring.

Conclusion

- 15 In my view, the changes proposed by the TLAs will enable Environment Southland as the consent authority to strike a more appropriate balance when considering consent applications under the pSWLP in relation to establishing, operating and upgrading Southland's critical infrastructure. These changes better provide for the TLAs' responsibilities, both in respect of providing effective and efficient infrastructure in an affordable manner, and their contribution to the maintenance and improvement of water quality across Southland. The changes sought are attached to my evidence, and I would like the opportunity to work through those proposed changes if it would assist the Panel.

Attachment A

Recommended Changes to the pSWLP.

1. The pSWLP is the base document, which recommended changes have been marked up against;
2. The recommended changes of Environment Southland in the s42A report are underlined for additions and ~~struck through~~ for deletions;
3. The recommended changes of SDC, ICC and GDC are underlined for additions and ~~struck through~~ for deletions; both are highlighted in grey;
4. The recommended changes of SDC, ICC and GDC to the s42A recommendation are double underlined for retention of the notified provision and ~~double struck through~~ for deletions; both are highlighted in grey.
5. Where no changes are recommended by SDC, ICC and GDC (to provisions in this document), the Councils support the provision as notified, or as recommended in s42A report.
6. The recommended changes of SDC, ICC and GDC to the **revised Policy 15 and Rule 5** are underlined bold for additions and ~~struck through bold~~ for deletions, and are included in place of those originally notified.
7. The recommended changes of SDC are underlined for additions and ~~struck through~~ for deletions; both are highlighted in blue.

...

Objective 6

There is no overall reduction in the 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;

in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014.

Alternative recommendation of SDC³ to Objective 6

Objective 6

There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by
Water quality in the region is:

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

³ Refer to the evidence of Courtney Ellison

(b) improved ~~the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality has that have been degraded by human activities, and~~
(c) ~~managed to meet the reasonable foreseeable social, economic and cultural needs of future generations~~
in accordance with freshwater objectives formulated under the National Policy Statement for
Freshwater Management 2014.

...

Objective A:

The benefits of critical infrastructure to health and safety and the economic, social and cultural wellbeing of people and communities are recognised, while any adverse environmental effects resulting from critical infrastructure are minimised.

...

Policy 13

Manage land use activities and discharges (point source and non-point source) to land and water so that water quality and the health of humans, domestic animals and aquatic life, is protected.

Policy 14

Prefer discharges of contaminants to land, rather than direct over discharges of contaminants to water where practicable, unless the adverse effects, with particular regard to cultural effects, associated with a discharge to land are greater than a discharge to water.

Policy 15 (AS NOTIFIED)

Maintain and improve water quality beyond the zone of reasonable mixing 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;
- 1A. avoiding, remedying or mitigating the adverse effects of existing discharges to surface waterbodies, beyond the zone of reasonable mixing;
2. avoiding point source and non-point source discharges to land that will reduce surface or groundwater quality, 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, natural wetland or lagoon~~ beyond the zone of reasonable mixing, unless the adverse effects of the discharge can be avoided, remedied or mitigated;

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. ~~groundwater quality meets the Drinking Water Standards for New Zealand 2005 (revised 2008) where water is used for drinking; and~~

Full deletion of this clause is recommended by SDC, ICC and GDC

4. ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met; and
5. ~~additionally, in the case of existing discharges, improves water quality where water quality is degraded, to the point of being overallocated.~~

Policy 15 (REVISED)

15A Maintain water quality where water quality standards are met by:

1. avoiding, remedying or mitigating the adverse effects of new discharges, so that surface waterbodies, beyond the zone of reasonable mixing, continue to meet the Appendix E "Water Quality Standards" and the ANZECC sediment guidelines (as shown in Appendix C of this Plan), and groundwater continues to meet drinking water standards; and
2. requiring that any application that is for the replacement of an expiring discharge permit, to demonstrate how the adverse effects are avoided, remedied or mitigated, so that for surface waterbodies the receiving waterbody, beyond the zone of reasonable mixing, continues to meet the Appendix E "Water Quality Standards" and the ANZECC sediment guidelines (as shown in Appendix C of this Plan), and groundwater continues to meet drinking water standards;

15B Maintain and improve water quality where water quality standards are not met by:

1. avoiding, remedying or mitigating the adverse effects of new discharges to surface waterbodies where, beyond the zone of reasonable mixing the surface waterbody does not meet the Appendix E "Water Quality Standards" or the ANZECC sediment guidelines (as shown in Appendix C of this Plan); and
2. avoiding, remedying or mitigating the adverse effects of new discharges to land so that there is no further degradation of groundwater quality, beyond the zone of reasonable mixing, where groundwater does not meet drinking water standards; and
3. requiring that any application that is for the replacement of an expiring discharge permit, to demonstrate how the adverse effects are avoided, remedied or mitigated, so that for surface waterbodies the receiving waterbody, beyond the zone of reasonable mixing, will be improved, to meet the Appendix E "Water Quality Standards" and the ANZECC sediment guidelines (as shown in Appendix C of this Plan) or groundwater quality will be improved, to meet drinking water standards, and set out the time frame over which it will occur

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Policy 17 – Effluent management

1. Avoid adverse effects on water quality, and avoid, ~~remedy, or mitigate as far as practicable~~ other adverse environmental effects of the operation of, and discharges from effluent management systems.
2. Manage effluent systems and discharges from them by:
 - (a) designing, constructing and locating systems, ~~including community sewage storage,~~ appropriately and in accordance with best practice standards;
 - (b) maintaining and operating effluent systems, ~~including community sewage storage,~~ in accordance with best practice guidelines;
 - (c) avoiding any surface run-off/overland flow, ponding or contamination of water including via sub-surface drainage, resulting from the application of agricultural effluent to pasture;
 - (d) avoiding the discharge of raw sewage and untreated agricultural effluent to water.

Note: Examples of best practice referred to in 17(2)(a) include IPENZ Practice Note 21: Farm Dairy Effluent Pond Design and Construction and IPENZ Practice Note 27: Dairy Farm Infrastructure.

Note: Examples of best practice guidelines referred to in 17(2)(b) include DairyNZ's guidelines A Farmer's Guide to Managing Farm Dairy Effluent – A Good Practice Guide for Land Application Systems, 2015 and A Staff Guide to Operating Your Effluent Irrigation System, 2013.

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Policy 24 – Water abstraction for community water supply

Recognise the need for, and assign priority to, the provision of water for community water supply when allocating water:

1. provided that significant adverse effects on the following are avoided as a first preference, and if unable to be avoided, are mitigated or remedied:
 - (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of waterbodies;
 - (b) natural character values, natural features, and amenity, aesthetic and landscape values;
 - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - (d) recreational values;
 - (e) the spiritual and cultural values and beliefs of the tangata whenua;
 - (f) water quantity and quality;
 - (g) long-term aquifer storage volumes; and
 - (h) historic heritage values; and
2. provided that a water demand management strategy commensurate to both the scale of the activity and its potential effects is part of any application for:
 - (a) a new or replacement water permit for a community water supply; or (b) an amendment to an existing water permit for a community water supply.

Policy 25 – Priority takes

When issuing a water shortage direction, Environment Southland will give priority to water abstraction for the following uses:

1. reasonable domestic needs, including for community supply;
2. reasonable animal drinking needs;
3. fire-fighting purposes;
4. public health needs; or
65. animal welfare needs.

Policy 40 – Determining the term of resource consents

When determining the term of a resource consent consideration will be given, but not limited, to:

1A. how the resource consent will provide for social, economic and cultural wellbeing, as well as health and safety;

1. granting a shorter duration when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;
2. relevant tangata whenua values and Ngāi Tahu indicators of health;
3. the duration sought by the applicant, plus material to support the duration sought;
4. the permanence and economic life of any capital investment;
5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;
6. the applicant's compliance with the conditions of any previous resource consent, and adoption, particularly voluntarily, of good management practices; and
7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the ~~any~~ revised frameworks established in those sections.

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Policy 42 – Consideration of water permit applications

When considering resource consent applications for water permits:

1A. consideration will be given as to how the water permit application will provide for social, economic and cultural well-being of communities as well as health and safety;

1. consent will not be granted if a waterbody is over allocated, fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being increased and granting consent will not allow a target for the waterbody to be achieved within the defined time period;
2. consents replacing an expiring resource consent for an abstraction from an over-allocated waterbody will generally only be granted at a reduced rate, may be granted with a lesser volume and rate or the reduction being take proportional to the amount of over-allocation and previous use, using the method set out in Appendix O;
3. installation of water measuring devices will be required on all new permits to take and use water, and existing permits in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
4. where appropriate, minimum level and/or flow cut-offs and seasonal recovery triggers on resource consents for groundwater abstraction will be imposed;

5. conditions will be specified relating to a minimum flow/level or environmental flow or level regime or flow sharing regime, in accordance with Appendix LK, to all new or replacement resource consents (except for water permits for community water supplies and waterbodies subject to minimum flow and level regimes established under any water conservation order) for:
- (a) surface water abstraction, damming, diversion and use; and
 - (b) groundwater abstraction where there is Riparian, Direct or High degree of hydraulic connection in accordance with Policy 23 "Stream Depletion Effects" and the stream depletion effect exceeds two litres per second.

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Policy B – Critical Infrastructure

1. Recognise the social, economic, cultural and environmental benefits that critical infrastructure provides, including:
 - (a) enabling enhancement of the quality of life and standard of living for people and communities; and
 - (b) providing for public health and safety.
2. Avoid, remedy or mitigate adverse effects from the development, operation and maintenance of critical infrastructure, including through the implementation of good environmental practice.
3. Recognise operational and technical constraints on critical infrastructure when considering applications for resource consent.

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Rule 5 – Discharges to surface waterbodies that meet water quality standards

Except as provided for elsewhere in this Plan the discharge of any:

- (a) contaminant, or water, into a surface waterbody; or
- (b) contaminant onto or into land in circumstances where it may enter a surface

waterbody; is a discretionary activity provided the following condition is met:

- (i) the discharge does not reduce the water quality below any standards set for the relevant waterbody in Appendix E "Water Quality Standards" at the downstream edge of the reasonable mixing zone; and
- (ii) the discharge does not contain any raw sewage.

Rule 5 (REVISED)

Rule 5 – Discharges to surface waterbodies that meet water quality standards or do not further degrade maintain existing receiving water quality

Except as provided for elsewhere in this Plan the discharge of any:

- (a) contaminant, or water, into a surface waterbody; or
- (b) contaminant onto or into land in circumstances where it may enter a surface waterbody; is a discretionary activity provided the following conditions are ~~is~~-met:

- (i) the discharge does not reduce the water quality below any standards set for the relevant waterbody in Appendix E "Water Quality Standards" at the downstream edge of the reasonable mixing zone, or where any standard is currently not met, the discharge does not result in any further decline in maintains existing water quality; and

- (ii) the discharge does not contain any raw sewage.

Rule 6 Discharges to surface waterbodies that do not meet water quality standards

Except as provided for elsewhere in this Plan the discharge of any:

- (a) contaminant, or water, into a surface waterbody; or
- (b) contaminant onto or into land in circumstances where it may enter a surface waterbody that does not meet the conditions in Rule 5; is a non-complying activity

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Rule 8 – Discharges of surface water

The discharge of surface water into a surface waterbody or artificial watercourse is a controlled activity provided the following conditions are met:

- (a) the discharge was lawfully established prior to 1 January 2010;
- (b) the lawfully established discharge point has not changed; and
- (c) at the downstream edge of the reasonable mixing zone, the discharge does not reduce the water quality of the receiving waters or give rise to any of the following effects in the receiving water:
 - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) any conspicuous change in visual clarity;
 - (iii) the rendering of freshwater unsuitable for consumption by farm animals; or (iv) any significant adverse effects on aquatic life, ~~other than the target species.~~

Environment Southland will restrict the exercise of its control to the following matters:

1. the potential for flooding of any person's property, as a result of the discharge;
2. erosion of the bed or banks of the receiving surface waterbody or artificial watercourse, as a result of the discharge; and
3. actual or potential effects on existing water users and aquatic ecosystems

...

Rule 15 – Discharge of stormwater

- (a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody lake, river, natural wetland, modified watercourse or, including an artificial watercourse, is a permitted activity provided the following conditions are met:
- (i) the discharge is not from a reticulated system;
 - (ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless:
 - (1) hazardous substances cannot enter the stormwater system; or
 - (2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or
 - (3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and
 - (iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent;
 - (iv) for discharges to a surface waterbody lake, river, natural wetland, modified or artificial watercourse the discharge does not result in:
 - (1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials;
 - (2) the rendering of freshwater unsuitable for the consumption by farm animals;
 - (3) significant adverse effects to aquatic life;
 - (4) any conspicuous change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone
 - (v) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within natural state waters; and
 - (vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person's property.
- (b) The discharge of stormwater, and the discharge of water from a reticulated stormwater network, onto or into land in circumstances where contaminants may enter water or into a surface waterbody lake, river, natural wetland, modified or artificial watercourse that does not meet one or more of the conditions in Rule 15(a), ~~excluding condition (a)(iii)~~ is a discretionary activity.
- (c) ~~The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody lake, river, natural wetland, modified or artificial watercourse that does not meet Rule 15(a)(iii) is a non-complying activity.~~

...

Rule 17 – Dust Suppressants

- (a) The discharge of a dust suppressant onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided either of the following conditions are met:
- (i) ~~the dust suppressant is not a hazardous substance; or the discharge is only of vegetable oil, or of new light fuel or new lubricating oil and is:~~

- ~~(1) applied in a manner that does not result in pooling or run-off, with a maximum application rate not exceeding 2 litres per square metre per day and 4 litres per square metre per annum; and~~
- ~~(2) not within 20 metres of a surface waterbody, the Coastal Marine Area, a bore or soakhole; or~~
- ~~(iii) the dust suppressant is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the dust suppressant is in accordance with all conditions of the approval.~~
- (b) The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water that does not meet ~~one or more of the conditions in Rule 17(a)~~ is a ~~restricted~~ discretionary activity.

~~Environment Southland will restrict the exercise of its discretion to the following matters:~~

- ~~1. the actual and potential environmental effects of not meeting the condition or conditions of Rule 17(a).~~

...

Rule 26 – Discharges from on-site wastewater systems

- (a) The discharge of treated domestic wastewater, onto or into land in circumstances where a contaminant may enter water from an existing on-site wastewater system is a permitted activity provided the following conditions are met:
 - (i) the on-site wastewater system had been installed and was operational prior to 1 June 2016;
 - (ii) the discharge does not exceed 1,250 litres per day, averaged over a period of one month;
 - (iii) the discharge consists only of contaminants normally associated with domestic wastewater;
 - (iv) the on-site wastewater system is not used for the disposal of wastewater from chemical toilets;
 - (v) there is no faecal contamination of any take of water for human consumption as a result of the discharge;
 - (vi) there is no ~~discharge above the soil surface, or direct discharge to groundwater, surface water, an artificial watercourse, a lake, river, natural wetland, artificial watercourse, modified watercourse~~ or the coastal marine area, including discharge via tile drains subsurface drainage systems, stormwater drains, artificial free draining areas such as soak holes and overland flow;
 - (vii) the inflow or infiltration of stormwater, other surface water and groundwater to the system is minimised;
 - (viii) the discharge does not occur within 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 or where no such zone is identified, then 250 metres of the abstraction point of a drinking water supply site identified in Appendix J

- (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;
- (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 1547:2012 – On-site Domestic Wastewater Management; and
- (iv) ~~the discharge does not result in wastewater ponding being visible on the ground there is no discharge above the soil~~ surface; and

Unmarked up version of SDC, ICC, GDC recommendation for Rule 26(b)(iv)

(iv) the discharge does not result in wastewater ponding on the ground surface

- (v) the discharge ~~does not contain any hazardous substance.~~ consists only of contaminants normally associated with domestic wastewater;
- (vi) the on-site wastewater system is not used for the disposal of wastewater from chemical toilets;
- (vii) the discharge is not within:
 - (1) 20 metres of any ~~surface waterbody or artificial watercourse~~ a lake, river, natural wetland, artificial watercourse, modified watercourse, excluding interception drains which benefit the on-site wastewater system;
 - (2) 50 metres of the coastal marine area or any natural state waters; ~~or~~
 - (3) 50 metres of any bore or well ~~used for potable or stock water supply; or~~
 - (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
 - (5) 20 metres of any ~~tile drain~~ subsurface drainage system, excluding subsurface
 - (6) drainage systems which benefit the on-site wastewater system.
- (viii) for any land application system:
 - (1) ~~the soil beneath the soil infiltration surface is maintained as free draining to a depth of at least 600 millimetres~~ the system is designed for the layer with the lowest permeability in the 900mm soil profile underlying the infiltration surface; and
 - (2) the bottom of the soil infiltration surface is no less than 900 millimetres above the mean seasonal high groundwater table and any perched water.
- (c) The discharge of treated domestic wastewater, onto or into land in circumstances where a contaminant may enter water from an on-site wastewater system that does not meet the conditions of Rule 26(a) or (b), is a discretionary activity.
- (d) The discharge of septage onto or into land, in circumstances where a contaminant may enter water, and any associated discharge to air ~~from an on-site wastewater system~~ is a permitted activity provided the following conditions are met:

- (i) the discharge occurs on the same landholding as the on-site wastewater system is located;
 - (ii) the discharge consists only of contaminants normally associated with domestic wastewater.
 - (iii) the on-site wastewater system is not used for the disposal of wastewater from chemical toilets;
 - (iv) there is no faecal contamination of any take of water for human consumption as a result of the discharge;
 - (v) the maximum depth of septage application is 7 mm;
 - (vi) no other effluent is discharged to the septage application area for 28 days before and 28 days after the septage application;
 - (vii) the discharge onto or into land does not occur at a location where overland flow will result in contaminants reaching surface water a lake, river, natural wetland, artificial watercourse, modified watercourse or the coastal marine area; (viii) the discharge is not within:
 - (1) 20 metres of any ~~surface waterbody or artificial watercourse~~ a lake, river, natural wetland, artificial watercourse or modified watercourse;
 - (2) 50 metres of the coastal marine area or any natural state waters; or
 - (3) 100 metres of any bore or well ~~used for potable or stock water supply~~;
 - (4) 100 metres of any landholding boundary;
 - (5) 200 metres of any school, marae, or residential dwelling other than residential dwellings on the landholding;
 - (6) 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;
 - (ix) there is no direct discharge to groundwater, ~~surface water, an artificial watercourse a lake, river, natural wetland, artificial watercourse, modified watercourse~~ or the coastal marine area, including discharge ~~via tile drains~~ subsurface drainage system, stormwater drains, artificial free draining areas such as soak holes, and overland flow;
 - (x) the discharge does not result in any emission of odour that is offensive or objectionable at or beyond the boundary of the landholding;
 - (xi) the discharge does not occur on a site less than 100 hectares in area; (xii) the application is managed to reduce the risk of vector attraction.
- (e) The discharge of septage into or onto land from an on-site wastewater system, that does not meet the conditions of Rule 26(d), is a discretionary activity.
- (f) Despite Rule 26(a) to (e), the discharge of untreated domestic wastewater, ~~raw sewage~~, or effluent from mobile toilets, into ~~surface~~ a lake, river, natural wetland, artificial watercourse, modified watercourse the coastal marine area or groundwater is a prohibited activity.

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Rule 33 – Community sewerage schemes

- (a) The discharge of effluent ~~or bio-solids~~ onto or into land, in circumstances where contaminants may enter water, or into water, from a community sewerage scheme is a discretionary activity.

(b1) The discharge of bio-solids onto or into land, in circumstances where contaminants may enter water from a community sewerage scheme is a discretionary activity.

~~, provided the following conditions are 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: having no visible cracks or defects that would allow effluent or bio-solids to leak from the storage.~~

~~(1) being structurally sound;~~

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

Maximum Depth of Pond (m) excluding freeboard	Maximum Allowable Pond Level Drop (mm per 24 hours)
<0.5	1.2
0.5 to 1.0	1.4
1.0 to 1.5	1.6
1.5 to 2.0	1.8
>2.0	2.0

- ~~(ii) the discharge is not within 20 metres of any river, lake, natural wetland, artificial watercourse or the coastal marine area;~~

- ~~(iii) the discharge is not within 200 metres of any place of assembly or dwelling not on the same landholding, or 20 metres of the boundary of any other landholding; (iv) the discharge is not within 100 metres of any water abstraction point.~~

- (b) The discharge onto or into land, in circumstances where contaminants may enter water, of wastewater, sludge or effluent from industrial and trade processes, other than agricultural effluent, that does not meet the condition of Rule 34(a) is a non-complying activity.

- (c) The discharge of raw sewage from a community sewage scheme, onto or into land, in circumstances where contaminants may enter water, or to surface water from existing network overflows is a discretionary activity.

- (d) The discharge of raw sewage onto or into land, in circumstances where contaminants may enter water, or to surface water from new network overflows is a discretionary activity provided:

- The network is designed and operated so it does not overflow other than in wet weather situations; and
- overflow points are designed and located so that discharges generate a minimum of nuisance, damage, public health risk, and ecological effects and do not cause scouring and erosion at the point of discharge.

- (e) The discharge of raw sewage onto or into land, in circumstances where contaminants may enter water, or to surface water not meeting rule 33 (d) is a non-complying activity.

Environment Southland will consider, but are not limited to, the following matters:

1. integrity of the storage system, in respect to visible cracks or defects that would allow effluent or bio-solids to leak from the storage;
2. setbacks from any:
 - a. river, lake, natural wetland, artificial watercourse, modified watercourse or the coastal marine area;
 - b. place of assembly or dwelling not on the same landholding;
 - c. the boundary of any other landholding; and
 - d. water abstraction point.

...

Rule 47 – Closed landfills

- (a) Despite Rule 46, the discharge of contaminants from a closed landfill onto or into land in circumstances which may result in those contaminants entering water is a permitted activity provided the following conditions are met:
- (i) a risk assessment of the closed landfill is carried out in accordance with the risk screening system developed by Ministry for the Environment which demonstrates that the environmental risk is low;
 - (ii) a copy of the risk assessment was lodged with Environment Southland ~~prior to 1 November 2015.~~
- (b) Despite Rule 46, the discharge of contaminants from a closed landfill onto or into land in circumstances which may result in those contaminants entering water that does not meet one or more of the conditions of Rule 47(a) is a restricted discretionary activity.

Environment Southland will restrict the exercise of its discretion to the following matters:

1. nature, concentration, toxicity and quantity of contaminants in the discharge;
2. potential for the mobilisation of contaminants including as a result of the geological nature and history of the site and any adverse environmental effects;
3. current or proposed management of the site with respect to ensuring the maintenance of the landfill cap to minimise leachate production; 4. adverse effects on recorded historic heritage sites;
5. information and monitoring requirements.

An application for resource consent under Rule 47(b) does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless the applicant requests notification or the Council considers special circumstances exist that warrant notification of the application.

...

Rule 52 – Water abstraction, damming, diversion and use from the Waiau catchment

- (a) Except as provided in Rules 49(a), 49(b), 49(c), 50(a) and (b), 51(a), ~~and 51(b) and 51(c)~~ (including ~~and~~ the takes authorised by Section 14(3) of the Act), any take, damming, diversion and use of water from the Waiau catchment is a discretionary activity provided the following conditions ~~are~~ is met:
- (i) the application is for the replacement of an expiring water permit pursuant to Section 124 of the Act, and the rate of take and volume is not increasing, and use of the water is not changing, ~~or~~
 - (ii) ~~the application is for a groundwater take assessed as having a low degree of hydraulic connection following the methodology specified in Appendix L.2.~~
- (b) Except as provided in Rules 49(a), 49(b), 49(c), 50(a) and (b), 51(a), ~~and 51(b) and 51(c)~~ and the takes authorised by Section 14(3) of the Act, any take, damming, diversion and use of water from the Waiau catchment that does not meet the condition of Rule 52(a) is a noncomplying activity.

...

Definition – Community Sewerage Scheme

A scheme that collects and treats sewage from more than one landholding ~~three sites~~ which ~~are~~ is predominantly from residential housing, but may include a component of industrial and trade process effluent. It includes both Council operated and privately operated schemes.

Definition – Critical Infrastructure

Infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities, and would require reinstatement, and includes all strategic facilities.

Definition – Domestic Wastewater

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

§ or

~~For the purposes of~~

Definition – On-site Wastewater System

The collection, treatment and disposal/reuse of wastewater from ~~an~~ individual home ~~commercial facilities~~ on the same property landholding as it is generated. ~~this definition, wastewater is limited to toilet wastes and wash water from kitchens, bathrooms and laundries.~~

Definition – Reasonable Mixing Zone

~~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 Q95 for that location;
- (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;
- (c) when within a drinking water supply zone or 250 metres upstream of a drinking water supply site, sourced from surface water, identified in Appendix J, 0 metres;
- (d) a distance determined as appropriate through resource consent application.