



HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



Change 3 - Regional Resource Management Plan

Variation 3 – Regional Coastal Environment Plan



On-site wastewater

Date Notified: 13 July 2011

HBRC Plan No 4267

**Change 3 -
Regional Resource Management Plan**

**Variation 3 -
Proposed Regional Coastal Environment Plan**

On-site wastewater

Adopted by Council: 29 June 2011

Public Notification Date: 13 July 2011

**HBRC Plan No 4267
13 July 2011**

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Resource Management Act 1991

Regional Resource Management Plan

Change 3 – On-site wastewater



Proposed Regional Coastal Environment Plan

Variation 3 – On-site wastewater

The Hawke's Bay Regional Council has resolved to amend the Regional Resource Management Plan (RRMP) and the proposed Regional Coastal Environment Plan (pRCEP) and has prepared Change 3, and Variation 3 respectively, in accordance with Schedule 1 of the Resource Management Act 1991.

EXPLANATION

1. Change 3 and Variation 3 propose amendments to regional rules for on-site wastewater discharges.
2. These amendments propose a more refined effects-based approach, focusing on locations where discharges from on-site wastewater systems present a higher risk to the environment. Change 3 and Variation 3 also include amendments to provide greater clarity and certainty for existing and new on-site wastewater systems.

BACKGROUND

3. The current regional rules for on-site wastewater discharges were largely developed in the early 2000's. The rules focus on dealing with an emerging problem with un-serviced subdivision in and around rural settlements such as Jervoistown and many coastal communities. The current rule framework is no longer entirely appropriate due to the large number of discharge permits that the Regional Council now administers, and a more refined, effects-based approach is now proposed.
4. In addition to the need to modernise the rule framework, there was also a desire to have clearer rules. As early as 2002, questions arose about when and where some of the conditions of the current rules applied. Although the applicability of the conditions has been clarified, and they have been applied consistently over time by the Regional Council, a move towards clearer, more easily understood rules will help make the regional planning documents more user-friendly.
5. Another key driver for the proposed amendments was a desire to reduce the number of existing discharges that require resource consent. The rules currently require the discharge from any on-site wastewater system installed since April 2000 to be authorised by a resource consent. These systems typically produce effluent of a known quality, while wastewater systems installed prior to April 2000 produce effluent of an unknown quality which may be having an adverse effect on the environment.

PROPOSED AMENDMENTS

6. Amendments are proposed to regional rules relating to on-site wastewater discharges within the Regional Resource Management Plan and the proposed Regional Coastal Environment Plan (Version 2.3, printed 21 April 2011). Those amendments are set out in Appendices 1-5.
7. New text is shown in *underlined italics* and deleted text is ~~struck-out~~. All other text and provisions appearing in Change 3 (RRMP) and Variation 3 (pRCEP) are incidental to the proposed amendments. Consequently, any submissions on these incidental provisions are most likely to be beyond the scope of Change 3 (RRMP) or Variation 3 (pRCEP) and will be treated accordingly.
8. Any necessary consequential amendments arising due to Change 3 and Variation 3 will also be made. These have not been individually itemised in the appendices.

APPENDICES

9. Appendix 1 sets out proposed amendments to rules in the Regional Resource Management Plan. These amendments are part of 'Change 3'.
10. Appendix 2 sets out proposed amendments to the Glossary of the Regional Resource Management Plan. These amendments are part of 'Change 3'.
11. Appendix 3 sets out proposed amendments to rules in the proposed Regional Coastal Environment Plan. These amendments are part of 'Variation 3'.
12. Appendix 4 sets out proposed amendments to the Glossary of the proposed Regional Coastal Environment Plan. These amendments are part of 'Variation 3'.
13. Appendix 5 sets out proposed amendments to Schedule J of the proposed Regional Coastal Environment Plan. These amendments are part of 'Variation 3'.
14. Appendix 6 is the Section 32 evaluation summary that has been prepared and adopted by the Regional Council in relation to both Change 3 and Variation 3.

FURTHER INFORMATION

15. Included in this information pack is an information sheet that summarises the key points of Change 3 and Variation 3. Also included is:
 - a) a copy of the public notice; and
 - b) a copy of the submission form (form 5) and guide to writing a submission in the event readers choose to lodge a submission on Change 3 and/or Variation 3.
16. For further information please contact the Hawke's Bay Regional Council on (06) 835 9200, email: info@hbrc.govt.nz, or visit our website: www.hbrc.govt.nz (search keyword: Change 3).

LEGAL EFFECT OF RULES DELAYED

The Hawke's Bay Regional Council has decided that the amended rules will not have legal effect until the completion of submissions, hearing and any appeal proceedings. This means that the proposed amendments **do not** have immediate legal effect from the date of public notification (13 July 2011).

ABBREVIATIONS

17. To assist people to understand these documents, below is a list of abbreviations that are commonly used throughout the documentation

AS/NZS 1547:2000 Australia New Zealand Standard On-site Wastewater management

HBRC Hawke's Bay Regional Council

MfE Ministry for the Environment

NES National Environmental Standard

pRCEP/RCEP Proposed Regional Coastal Environment Plan

RMA Resource Management Act

RPS Regional Policy Statement

RRMP Regional Resource management Plan

TLA Territorial Local Authority

+ On-site wastewater rules

Change 3 to Regional Resource Management Plan and Variation 3 to proposed Regional Coastal Environment Plan – On-site wastewater rules

Hawke's Bay Regional Council is proposing amendments to rules for on-site wastewater discharges in Hawke's Bay. These amendments propose a more refined effects-based approach, focusing on locations where discharges from on-site wastewater systems present a higher risk to the environment. Change 3 and Variation 3 also include amendments to provide greater clarity and certainty for existing and new on-site wastewater systems.

Any person may make a submission on Change 3 and Variation 3. Written submissions must be sent to Hawke's Bay Regional Council, Private Bag 6006, Napier 4142, via fax (06) 8353601, or via email to charlotte@hbrc.govt.nz. Submissions must state your name, postal address, phone number, email address, and whether or not you wish to be heard at a Council hearing. Copies of submission forms are available from Hawke's Bay Regional Council, or can be downloaded from www.hbrc.govt.nz.

Deadline for submissions is 5:00pm Wednesday 10 August 2011

Change 3 and Variation 3 can be viewed online at www.hbrc.govt.nz, or viewed at all public libraries in the region and at Hawke's Bay Regional Council, 159 Dalton Street, Napier. Printed copies are available upon request.

The process for public participation in Change 3 and Variation 3 under the Resource Management Act is as follows. After the closing date for submissions, the Regional Council will prepare and release a summary of the submissions lodged. There will be an opportunity to make a further submission in support of, or opposition to, the submissions already made. If a submitter asks to be heard in support of their submission, a hearing will be held. After the hearing the Regional Council will give its decision on Change 3 and Variation 3 (including its reasons for accepting or rejecting submissions). Submitters have the right to appeal these decisions to the Environment Court.

The Council has decided the amended rules in Change 3 and Variation 3 will have legal effect only once the proposed amendments become operative at the completion of submissions, hearings and any appeal proceedings. This means the proposed amendments do not have immediate legal effect from the date of this public notice.

This notice is given under clause 5 of Schedule 1 and s86B, Resource Management Act, 1991.

Helen Codlin
GROUP MANAGER STRATEGIC DEVELOPMENT

What is the on-site wastewater plan change?

Hawke's Bay Regional Council has proposed amendments to existing rules controlling discharges of domestic wastewater on private land. These rules are administered by the Regional Council under the Resource Management Act and the Council's regional plans.

Amendments to the rules of the Regional Resource Management Plan and the proposed Regional Coastal Environment Plan are referred to respectively as 'Change 3' and 'Variation 3'. Changes to the plans will complement the Regional Council's ongoing improvements to plan administration, resource consent processes; and environmental monitoring programmes.

Why are these changes needed?

As part of initiatives to continually improve its plans, the Regional Council has identified several issues where the current rules for individual on-site domestic wastewater discharges to land could be improved.

The main areas of difficulties are -

- the lack of clarity around interpretation of the existing rules, especially what is 'land zoned for residential activity' in Rule 37(d)
- the need for consents to be renewed for any wastewater systems installed since April 2000, even though these are well designed and good quality
- inadequate controls to carefully manage wastewater discharges in locations where land slope and property size pose constraints on ongoing operation and effectiveness of some wastewater systems.

The changes are intended to focus on sites where on-site wastewater may pose a higher risk to the environment and people's health. The approach will be closely linked to the level of risk presented by a discharge relative to the location and characteristics of a property.



Parts of a secondary on-site wastewater treatment system that can be seen above ground.

What will the Change do?

The proposed changes feature amendments to the following rules:

- Regional Resource Management Plan (RRMP)
 - Rule 35* existing domestic sewage disposal systems
 - Rule 36* existing large scale domestic sewage disposal systems
 - Rule 37* new domestic sewage disposal systems, including greywater disposal
- Regional Coastal Environment Plan (RCEP)
 - Rule 26* existing domestic wastewater disposal systems
 - Rule 27* new domestic non-reticulated wastewater systems
 - Rule 28* existing high discharge rate domestic wastewater disposal systems.

What are key features of the Change?

- Conditions will require consent for new discharges located over the Ruataniwha Plains unconfined aquifer.
- Conditions for new discharges will require all to be treated to at least an advanced primary standard.
- Many existing consented discharges will not need to renew those consents. These will be treated as 'lawfully established' systems and will be permitted activities, subject to fully complying with conditions.
- Existing conditions are clarified for discharges located in areas that experience high seasonal groundwater levels (within 600mm of ground level).
- Reference to 'land zoned for residential activity' is deleted, therefore no reliance is placed on district plan zoning.
- Conditions for new discharges will control the ratio of site area to daily discharge volume.
- Conditions will require consent for new discharges on disposal site slopes greater than 15 degrees.
- Clearer requirements for system design and installation will be consistent with New Zealand Standards.
- Conditions will meet the National Environmental Standard for Sources of Human Drinking Water.

How will the Change affect property owners?

As currently proposed, the changes will mean a large number of people who previously required resource consent will no longer need one. Conversely, some people who previously did not require a discharge permit will need to obtain one.



The air vent for the discharge field of an on-site wastewater treatment system

Below are some examples of scenarios before and after the Change –

Examples	Before Change	After Change
New discharge on property within 'Rural Residential' Zone meets all other conditions in RRMP Rule 37.	Consent required	Permitted
1200m ² property in 'Coastal Residential Zone' meets all other conditions in RCEP Rule 27.	Consent required	Permitted
Large rural property where disposal field on land with slope greater than 15°.	Permitted	Consent required
Large rural property where disposal field on land with slope less than 15° and meets all other conditions.	Permitted	Permitted
New discharge on property located over the Ruataniwha Plains unconfined aquifer	Permitted	Consent required
System installed since April 2000 meets all other conditions of Rule 35 RRMP/Rule 27 RCEP	Consent required	Permitted
Primary treated wastewater discharged on property over 2500 m ²	Permitted	Consent required

What does the on-site wastewater Change not cover?

The amendments have been proposed with a deliberately limited scope, so -

- only relate to rules for individual on-site discharges of domestic wastewater
- do not amend ALL conditions in the rules – only specific conditions are amended or added
- do not amend objectives or policies in plans relating to management of wastewater
- do not relate to municipal and industrial wastewater discharges
- do not amend or alter any requirements and procedures under the Building Act, Building Code or any other legislation.

Where does this fit in Council plan documents?

This is one of a series of plan changes under construction to improve decisions on land development and provision of associated infrastructure in Hawke's Bay. There are a number of separate plan changes to the regional policy statement and regional plans currently being drafted. The management of land development and associated wastewater discharges is just one aspect that needs addressing to improve the way our land is used and developed together with the infrastructural services necessary for that development.

Can I make a submission on the proposed Change?

Yes, the Hawke's Bay Regional Council has invited submissions on Change 3 and Variation 3. The Changes were publicly notified on 13 July 2011.

All plan change documentation (the section 32 evaluation as well as the proposed Changes themselves) is available for viewing at www.hbrc.govt.nz. Alternatively hard copies are available by contacting the Council. The documents are also available for viewing at all public libraries in the region, and at the Council's main offices at 159 Dalton Street, Napier.

To lodge a submission on Change 3 and/or Variation 3, you must fill in a submission form and send that form to the Regional Council by mail, fax or email at details below.

Submissions must be lodged with the Council by:

5:00pm 10 August 2011

Regional Council contact details

Hawke's Bay Regional Council
 159 Dalton Street
 Private Bag 6006, NAPIER
 ph: (06) 833-8058
 fax: (06) 835-3601
 email: submissions@hbrc.govt.nz

[www.hbrc.govt.nz/Read About it/For Consultation](http://www.hbrc.govt.nz/Read%20About%20it/For%20Consultation)



Submission on proposed plan, plan change or variation

(Form 5)

To: Chief Executive
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142
fax: 06 8353601
email: submissions@hbrc.govt.nz

<i>Office Use</i>	
Submission ID#:	_____
Date received:	_____
DBase entry date:	_____

SUBMITTER DETAILS

Name of submitter[full name]: _____

Contact person [if different to above, or if submitter is an organisation] : _____

Postal address: _____ Phone #(s): _____

_____ Post code: _____ Fax #: _____

Email: _____

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to [title and reference number if applicable]: _____

The specific provision(s) of the proposal that my submission relates to are: _____

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

Guide to writing a submission on a proposed plan, Change or Variation

What is a Proposed Plan, Plan Change or Variation?

A proposed plan, a 'plan change' or a 'variation' is a document that has been issued by the Council and 'proposed' as the official position of the Council before submissions are received. To be legally proposed, a document must be 'publicly notified' so people can make submissions.

Obtaining copies of the proposed plan or plan change

Proposed planning documents are usually large and often contain several volumes and coloured maps. They can be purchased from the Council for a reasonable cost to cover reprinting expenses. Proposed plans and plan changes can be viewed and downloaded without charge from the Council's website (www.hbrc.govt.nz). Alternatively you can view copies at the Regional Council's main offices located at 159 Dalton Street, Napier, or at public libraries throughout the region.

Should you make a submission?

If you have concerns about a proposed plan or plan change, a submission is the most effective way for you to influence the Council's decision on the proposal. The Resource Management Act (RMA) allows any person to make a submission on a proposed plan or plan change.

In order to decide whether or not to lodge a submission, you will need to understand what the proposed plan or plan change involves and how it might affect you/your interests. This should determine whether it provides adequate management measures to address any relevant environmental issues of concern to you. Proposed plan and plan changes can cover broad geographic areas and a range of issues and so it could be easy for readers to feel a little 'swamped.' You should start out with a clear idea of the issues which are likely to be of concern to you. You might want to ask council staff to help you understand what is being proposed or seek independent professional advice. Ask yourself what the plan or change will mean to you in practice. What will be the actual effect on you and the things you want to do on your property, or on an operation you run or are planning to run? A proposed plan or plan change might also affect a wider part of your local community, district or region.

Discuss your concerns with council staff and others

Feel free to discuss your concerns with the Council's policy planning staff. They should be able to tell you why certain provisions were included into the proposed plan or plan change. They may also direct you to any other relevant reports or research which has been carried out by the Council.

Consider meeting with other parties which may have similar concerns to you. You are likely to benefit from the opportunity to exchange views. Explore the possibility of lodging a joint submission and pooling resources to obtain professional assistance. If possible, also raise your concerns informally or formally with relevant professionals who may provide useful insights.

What should a submission cover?

Once you've learned as much as you can about the proposed plan or plan change, and carefully thought about the effects it will have, you are ready to make a written submission.

Get a submission form from Council offices or Council website. Fill out all the required information including:

- your full name, address, telephone and fax numbers, and email address (or the name and address of your agent/if you employed someone to act for you).
- whether you want to speak at the public hearing. You don't have to, and while speaking at a hearing can help to highlight what you said in your submission, your submission is just as valid if you don't speak.
- whether you will consider presenting a joint case with others who have made similar submissions.

There are several other elements which you will need to address in the submission. These are discussed below:

⇒ *Proposed Plan/Plan Change Name:*

State the name of the proposed plan or proposed plan change.

⇒ *Specific provision(s) of the proposed plan that my submission relates to are:*

You will need to list clearly the provisions on which you are making submissions. State these in as much detail as possible including the paragraph number (and title if relevant), and page number. If possible, you should identify whether the paragraph number refers to a section of the plan or a policy, objective or rule. Where you are uncertain of the precise paragraph number which is relevant you should refer to the broader section of the proposed plan.

⇒ *My submission is:*

In this section you need to clearly set out the nature of your submission, stating whether or not you support or oppose the specific provision, or wish to have amendments made. You must also provide some reasons. In supporting your concerns with the proposed plan or plan change you may wish to consider the following:

- Is the provision consistent with Part II of the RMA including the overarching purpose of sustainable management (section 5), the matters of national importance (section 6) and other matters (section 7)?
- Is the provision consistent with any relevant national policy statements and/or national environmental standards currently in force?
- Will the provision help to achieve the environmental outcomes sought by regional plans as a whole?

⇒ *I seek the following decision from the Regional Council:*

Be as precise as possible about what amendments you would like to the provisions of the proposed plan or plan change:

- If you would like amendments to the wording of a provision, clearly show the changes you are seeking, striking out those words you wish to delete and emphasising the words you wish to insert e.g. *Amend Policy 1.2.3.4 to read 'existing discharges should be ~~restricted~~—permitted in the Timbuktu Management Area.'*
- If you would like to delete a provision, state that e.g. Delete Policy 1.2.3.4.
- If you would like something new added, say a new policy, provide the wording you would like adopted by the Council e.g. Insert new Policy 1.2.3.4 to read *'new discharges will not be permitted within the Timbuktu Management Area.'*

Sign and date your paper submission (electronic submissions will not require a signature).

Send your submission by post, hand delivery, fax, email to Council's details below before the submission deadline.

To write a clear and effective submission:

- » **stick to the facts**
- » **focus on the environmental effects**
- » **be specific and provide examples**
- » **tell the Council what you want – don't leave the Council to guess**
- » **write in clear, simple, everyday language**
- » **if handwriting a submission, please print clearly.**

Send written submissions to:

**Hawke's Bay Regional Council
Private Bag 6006
159 Dalton Street
Napier 4142**

**fax (06) 835-3601
email: submissions@hbrc.govt.nz**

Costs involved

There is no charge for lodging a submission. However, be aware that costs are likely to be incurred by submitters if they seek advice from professional advisors (eg: lawyers, planning consultants etc) in preparing their submission.

What happens to my submission next?

After the closing date for submissions, the Council will prepare and release a summary of the submissions lodged. There will be an opportunity to make a further submission in support of, or opposition to, the submissions already made. If a submitter asks to be heard in support of their submission, a hearing will be held. After the hearing, the Council will give its decision on the proposed plan, Change or Variation (including its reasons for accepting or rejecting submissions). Submitters have the right to appeal these decisions to the Environment Court.

Checklist

- Use Form 5 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Submission forms are available from the Council.
- Identify the proposed plan, change or variation on which you are making a submission and not unrelated matters.
- Clearly identify the provisions on which you wish to make a submission (eg: use page and paragraph refs).
- Clearly set out the reasons for supporting or opposing each provision.
- Identify the wording changes you are seeking to the provisions.
- Indicate whether or not you wish to speak at a Council hearing on your submission.
- Indicate whether or not you would be prepared to present a joint case with other submitters.
- Set out your submission clearly. Use of clear headings is encouraged.
- Sign and date the submission and provide your full name, address and phone / fax / email contact details.
- NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.
- Lodge your submission with the Council by in person, post, fax or email before the closing date.

Further information

- *Making a Submission on a Proposed Plan, Plan Change or Variation*, Ministry for the Environment, 2004. Updated March 2006 version available at: <http://www.mfe.govt.nz/publications/rma/everyday-submission-plan-mar06/index.html>
- *Your Guide to the Resource Management Act*, Ministry for the Environment, 2004 (pp 46-49).
- *Resource Management Act 1991: Plans and Policy Statements*, Christchurch Community Law Centre, 1998 (pp 21-22).
- *Breaking Down the Barriers: the Resource Management Act made easy*, Royal Forest and Bird Protection Society of New Zealand Inc., (pp 27-29).
- *Handbook of Environmental Law*, Royal Forest and Bird Protection Society of New Zealand Inc., 2004 (Ch 4A)
- *Resource Management Act for the Community*, an online resource provided by Environmental Defence Society at: <http://www.rmaguide.org.nz/rma/submissionsplans.cfm>

APPENDIX 1 – CHANGE 3: AMENDMENTS TO RULES OF REGIONAL RESOURCE MANAGEMENT PLAN

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
35 <i>Lawfully established¹ existing domestic non-reticulated wastewater sewage systems</i>	<i>Except as provided for by Rule 36, the discharge of contaminants onto or into land, and any ancillary discharge of contaminants into air, from any existing lawfully established domestic non-reticulated wastewater sewage system, which existed prior to notification of this Plan.</i>	Permitted	<p>a. The rate of discharge shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>b. The discharge shall not occur over the Heretaunga Plains unconfined aquifer as shown in Schedule Va.</p> <p>c. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>d. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>e. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the winter groundwater table; or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the “Drinking Water Quality Standards for New Zealand” (Ministry of Health, 2005 (Revised 2008) 1995) in any groundwater body after reasonable mixing.</p> <p>f. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p> <p>g. For discharges from pit privies the privy shall be constructed in soil with an infiltration rate not exceeding 150 mm/h.</p> <p><i>Either:</i></p> <p><i>i. discharges from pit privies shall be from privies constructed in soil with an infiltration rate not exceeding 150 mm/h; or</i></p> <p><i>ii. all other discharges shall be into a specifically designed and constructed land treatment field.</i></p> <p>h. Compliance with any conditions of a resource consent held for the activity</p>		

¹ Any lawfully established domestic non-reticulated wastewater system that is modified or replaced after 1 January 2012 is considered to be a ‘new’ system and must be assessed in accordance with Rule 37.
 NOTE: Rule 35 means that once the system has been lawfully established, the system’s continued operation is permitted under this rule. No ongoing consent is required for the operation of lawfully established discharges provided the conditions of this rule are met.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>prior to notification of this Plan.</p> <p>i. A schedule and/or record of maintenance undertaken shall be forwarded to the HBRC on request.</p> <p><i>The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547:2000. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</i></p> <p><i>iA The discharge shall not be disposed of by way of spray irrigation.</i></p> <p><i>iB. The discharge shall not be located upstream of a registered drinking water supply that provides at least 501 people with drinking water.</i></p>		
<p>36</p> <p><u>Lawfully established</u> <u>existing high discharge volume large-scale domestic non-reticulated wastewater sewage disposal systems</u></p> <p>Refer to POL 16, 17, 18, 71, 75</p>	<p>The discharge of contaminants onto or into land, <u>and any ancillary discharge of contaminants into air</u>, from any <u>lawfully established domestic non-reticulated wastewater sewage disposal system with a discharge volume exceeding 2m³/day averaged over any 7 day period</u>, which existed prior to notification of this Plan, unless the discharge is allowed by Rule 35.</p>	<p>Restricted discretionary</p>	<p>a. The discharge shall not occur over the Heretaunga Plains <u>or Ruataniwha Plains</u> unconfined aquifer as shown in Schedule Va <u>IV</u>.</p> <p>b. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>c. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>d. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the <u>highest seasonal</u> winter-groundwater table; or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, <u>2005-1995 (Revised 2008)</u>) in any groundwater body after reasonable mixing; or</p> <p>e. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p>	<p>a. Method of treatment.</p> <p>b. Method of disposal.</p> <p>c. Effluent application rate.</p> <p>d. Need for reserve area.</p> <p>e. Buffer zone requirements.</p> <p>f. Duration of consent.</p> <p>g. Review of consent conditions.</p> <p>h. Compliance monitoring</p> <p><u>hA. Proximity to registered drinking water supplies</u></p> <p><u>hB. Maintenance of system</u></p>	

ADVISORY NOTE:

Soil infiltration rate - For the purpose of Rule 35 t(g) the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the vault chamber.

Non compliance with rules - If all conditions of Rule 35, 36, 37 or Rule 37A cannot be complied with then the activity is a discretionary activity under Rule 52.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
37 New ² domestic non-reticulated wastewater sewage disposal systems, including greywater disposal Refer POL 16, 71, 75	<u>Except as provided for in Rule 35 or Rule 36, the discharge of contaminants (including greywater) onto or into land, and any ancillary discharge of contaminants into air from a domestic non-reticulated wastewater system.</u> The discharge of contaminants onto or into land from any domestic sewage including greywater established after notification of this Plan.	Permitted	<p>a. Where the wastewater receives no more than primary treatment, or advanced primary treatment, the discharge shall be onto or into a property with a land area of no less than 2500 m².</p> <p>b. The rate of discharge of domestic sewage (including greywater) shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>c. The treatment and disposal system shall be designed to cater for the peak daily loading.</p> <p>d. The discharge shall not occur over the Heretaunga Plains <u>or Ruataniwha Plains</u> unconfined aquifer as shown in Schedule va IV <u>nor on any land zoned for residential activity in any Proposed or Operative District Plan.</u></p> <p>e. The discharge <u>and land treatment field</u> shall not be occur within 20 m of any surface water body (including any stormwater open drain or roadside drain), or any tile drain or within 1.5 metres of any property boundary.</p> <p><u>eA The discharge shall not occur on land with a slope of greater than 15 degrees (from the horizontal).</u></p> <p><u>eB The proportion of net site area to discharge volume shall not be less than 1 m² per litre per day per discharge ³.</u></p> <p>f. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body.</p> <p>g. The discharge shall be distributed evenly over the entire disposal area.</p> <p>h. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge.</p> <p>i. <u>At the time of installation and commencement,</u> the discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge.</p>		

ADVISORY NOTES:

² New² domestic non-reticulated wastewater systems include those systems installed after this Plan becomes operative, as well as those lawfully established domestic non-reticulated wastewater systems that have been modified or replaced since 1 January 2012.

³ The proportion of net site area to discharge volume can be calculated by dividing the net site area by the expected daily wastewater volume. If the answer is less than 1, the discharge does not comply with this condition. E.g. Three bedroom home with maximum daily discharge volume of 1200 L (6 people at 200 L/p/d) on a 1000 m² property has a ratio of 0.83 (1000/1200). This discharge would not comply with this condition.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>j. The point of discharge shall be no less than 600 mm above the <i>highest seasonal</i> winter-groundwater table.</p> <p>k. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 2005 1995 <i>(Revised 2008)</i>) in any groundwater body after reasonable mixing.</p> <p>l. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property or on any public land.</p> <p>m. For discharges using the long-drop method:</p> <p>i. the long-drop shall be constructed in soil with an infiltration rate not exceeding 150 mm/h, and</p> <p>ii. the long drop shall not be the primary wastewater system for any permanently occupied dwelling.</p> <p>n. The system shall be designed, constructed, operated and maintained in a manner which ensures that there is no clogging of the disposal system or soils.</p> <p><i>nA. The system shall be designed and installed in accordance with the requirements specified in Figure 6.</i></p> <p><i>nB. The discharge shall not be into a trench or bed disposal system constructed in category 5 or 6⁴ soil.</i></p> <p>o. Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m³ of BOD, and 30 g/m³ of suspended solids.</p> <p>p. The treatment and disposal system shall be maintained in accordance with the manufacturers' instructions and a schedule of maintenance shall be forwarded to the HBRC upon request.</p> <p><i>The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as</i></p>		

⁴ *A category 5 soil is a light clay, permeability (K_{sat}) can range generally between 0.5 m/d (strongly structured) and <0.06 m/d (weakly structured or massive) and the soil is poorly drained. Clay content of approximately 35-40%. Category 6 soils are medium to heavy clays that are very poorly drained. The permeability of category 6 soils is generally less than 0.06 m/d. Clay content of over 40%.*

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p><u>described in AS/NZS 1547:2000 . A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</u></p> <p>q. The discharge shall not be disposed of by way of spray irrigation.</p> <p><u>qA The discharge shall not be into a raised bed.</u></p> <p><u>qB. The discharge shall not be located upstream of a registered drinking water supply that provides at least 501 people with drinking water.</u></p>		

Proposed

FIGURE 6: Requirements for domestic non-reticulated wastewater systems

6.1 Design Flow Allowances for non-reticulated wastewater systems

<i>Source</i>	<i>Typical wastewater flow allowance in L/person/day</i>	
	<i>On-site roof water tank supply</i>	<i>Reticulated community/bore water supply</i>
<i>Households</i>	<u>140</u>	<u>180</u>
<i>Households (blackwater only)</i>	<u>50</u>	<u>60</u>
<i>Households (greywater only)</i>	<u>90</u>	<u>120</u>
<i>Motels/hotels</i>		
- <i>Guests, resident staff</i>	<u>140</u>	<u>180</u>
- <i>Non-resident staff</i>	<u>30</u>	<u>40</u>
- <i>Reception rooms</i>	<u>20</u>	<u>30</u>
- <i>Bar trade (per customer)</i>	<u>20</u>	<u>25</u>
- <i>Restaurant (per diner)</i>	<u>20</u>	<u>30</u>
<i>Community halls</i>		
- <i>Banqueting</i>	<u>20</u>	<u>30</u>
- <i>Meetings</i>	<u>10</u>	<u>15</u>
<i>Restaurants (per diner)</i>		
- <i>Dinner</i>	<u>20</u>	<u>30</u>
- <i>Lunch</i>	<u>15</u>	<u>25</u>
<i>Tea rooms (per customer)</i>		
- <i>Without restroom facilities</i>	<u>10</u>	<u>15</u>
- <i>With restroom facilities</i>	<u>15</u>	<u>25</u>
<i>School (pupils plus staff)</i>	<u>30</u>	<u>40</u>
<i>Rural factories, shopping centres</i>	<u>30</u>	<u>50</u>
<i>Camping grounds</i>		
- <i>fully serviced</i>	<u>100</u>	<u>130</u>
- <i>recreation areas</i>	<u>50</u>	<u>65</u>

NOTE: For the purposes of determining building occupancy, Hawke's Bay Regional Council adopts an occupancy of 2 people per room, excluding bathrooms, kitchens, laundries and any other room that cannot feasibly be used as a bedroom

6.2 Irrigation Systems

6.2.1 Recommended design loading rates for irrigation systems

<u>Soil category</u>	<u>Soil texture</u>	<u>Design irrigation rate (mm/week)</u>
<u>1</u>	<u>Gravels and sands</u>	<u>35 mm/wk (5 mm/d)</u>
<u>2</u>	<u>Sandy loams</u>	<u>35 mm/wk (5 mm/d)</u>
<u>3</u>	<u>Loams</u>	<u>28 mm/wk (4 mm/d)</u>
<u>4</u>	<u>Clay loams</u>	<u>25 mm/wk (3.57 mm/d)</u>
<u>5</u>	<u>Light clays</u>	<u>20 mm/wk (2.86 mm/d)</u>
<u>6</u>	<u>Medium to heavy clays</u>	<u>15 mm/wk (2.14 mm/d)</u>

6.2.2 Design specifications for Irrigation systems

- a) Irrigation lines placed on the surface shall be pinned to the surface and covered with at least 100 mm depth of cover
- b) Subsurface irrigation lines shall be installed at a maximum depth of 200 mm below ground level
- c) Minimum spacing at least 600 mm in sand and 1000 mm in all other soil types
- d) Wastewater shall be applied evenly across the entire land treatment field

6.3 Trenches or Beds

6.3.1 Recommended design loading rates for trenches and beds

<u>Soil category</u>	<u>Soil texture</u>	<u>Structure</u>	<u>Design loading rate</u>		
			<u>Primary treated effluent</u>		<u>Secondary treated effluent (mm/d)</u>
			<u>Conservative rate (mm/d)</u>	<u>Maximum rate (mm/d)</u>	
<u>1</u>	<u>Gravels and sands</u>	<u>Structureless</u>	<u>20</u> <i>(see note 1)</i>	<u>35</u> <i>(see note 1)</i>	<u>50</u> <i>(see note 1)</i>
<u>2</u>	<u>Sandy loams</u>	<u>Weakly structured</u>	<u>20</u>	<u>35</u>	<u>50</u>
		<u>Massive</u>	<u>15</u>	<u>25</u>	<u>50</u>
<u>3</u>	<u>Loams</u>	<u>High/mod structure</u>	<u>15</u>	<u>25</u>	<u>50</u>
		<u>Weakly structured/massive</u>	<u>10</u>	<u>15</u>	<u>30</u>
<u>4</u>	<u>Clay loams</u>	<u>High/mod structure</u>	<u>10</u>	<u>10</u>	<u>30</u>
		<u>Weakly structured</u>	<u>6</u>	<u>10</u>	<u>20</u>
		<u>Massive</u>	<u>4</u>	<u>5</u>	<u>10</u>
<u>5</u>	<u>Light clays</u>	<u>Strongly structured</u> <u>Mod structured</u> <u>massive</u>	<u>Consent required – see Rule 37 (nb)</u>	<u>Consent required – see Rule 37 (nb)</u>	<u>Consent required – see Rule 37 (nb)</u>
<u>6</u>	<u>Medium to heavy clays</u>	<u>Strongly structured</u> <u>Mod structured</u> <u>massive</u>	<u>Consent required – see Rule 37 (nb)</u>	<u>Consent required – see Rule 37 (nb)</u>	<u>Consent required – see Rule 37 (nb)</u>

Note 1 The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the clogging layer govern the effluent loading rate of category 1 soils. Category 1 soils require special design.

6.3.2 Design specifications for trenches or beds

- Trenches must be at least 400 mm deep and 300 mm wide.
- They should be no longer than 25 m long, and there must be a spacing of at least 1000 mm between adjacent trench walls.
- Beds must be at least 1000 mm wide, with a minimum spacing of 1000 mm between adjacent trench walls.
- Multiple distribution lines to be included where beds are more than 1.5 metres in width.
- Both trenches and beds must be backfilled with distribution media and covered with a minimum 150 mm of topsoil.
- The discharge shall be pumped, or dosed in fixed quantities so that the wastewater is applied evenly across the entire land treatment field.

And make any necessary consequential amendments

APPENDIX 2 – CHANGE 3: AMENDMENTS TO GLOSSARY OF REGIONAL RESOURCE MANAGEMENT PLAN

Glossary

Add the following definitions:

Advanced primary treatment

in relation to the treatment of wastewater, means primary treatment with the addition of an effluent outlet solids control device (outlet filter).

Lawfully established

refers to an activity established lawfully either before or after this Plan was publicly notified and

- a) *either*
 - i) *was a permitted activity or otherwise could have been lawfully carried out without a resource consent under this Plan or an earlier regional plan and*
 - ii) *the effects are the same or similar in character, intensity and scale to the effects that existed before this Plan was publicly notified and*
 - iii) *the activity has not been discontinued for a continuous period of more than 6 months since the Plan was publicly notified or*
- b) *was granted a resource consent and that resource consent has now expired.*

Net site area

means a single contiguous area of a property set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, access lots or access strips and entrance strips.

Non-reticulated wastewater system

means a system for the collection, treatment and disposal of wastewater. Treatment systems include basic septic tank units, alternative septic tank units, dry vault units (e.g. pit privies), wet vault (e.g. septic closet) systems for blackwater with separate greywater disposal (e.g. sullage tanks), aerated wastewater treatment systems, sand media and alternative filters, wetlands etc. Disposal systems include soakage trenches and beds, modified trench and bed systems relying in full or in part on evapo-transpiration, subsurface and surface irrigation systems, absorption wells/infiltration pits, and above ground treatment/disposal (fill and mound) systems.

See also definitions of 'blackwater', 'greywater', 'septic tank' and 'sewage'.

Raised bed

in relation to non-reticulated wastewater systems, means an area that wastewater is discharged into/onto that has been raised above ground level by the importation of additional soil/fill.

Reticulated wastewater system

means a system for the collection, conveyance, treatment and disposal of wastewater that is owned and operated by a network utility operator. It includes sewers; trunk mains; pumping stations; milliscreeing facilities; and other facilities for the collection, treatment and disposal of wastewater, but does not include an on-site wastewater disposal system or a non-reticulated wastewater system.

Wastewater

means all water or other liquid including waste matter in solution or suspension from any source which is to be discharged into a wastewater system. Wastewater includes sewage, greywater and blackwater.

Amend the following definitions:

On-site sewage treatment system

A system used for sewerage collection, treatment and disposal ~~within the boundaries of their property or origin~~. Treatment systems include basic septic tank units, alternative septic tank units, dry vault units (e.g. pit privies), wet vault (e.g. septic closet) systems for blackwater with separate greywater disposal (e.g. sullage tanks), aerated wastewater treatment systems, sand media and alternative filters, wetlands etc. Disposal systems include soakage trenches and beds, modified trench and bed systems relying in full or in part on evapo-transpiration, subsurface and surface irrigation systems, absorption wells/infiltration pits, and above ground treatment/disposal (fill and mound) systems.

See also definitions of 'blackwater', 'greywater', 'septic tank' and 'sewage'.

Point of discharge

in relation to a drainage system, means the location in a system that the drainage system operator ceases to control the discharge to the environment.

in relation to non-reticulated and reticulated wastewater systems, means the depth below or above ground level that a distribution line is placed, or if a trench or bed is used, the base of that trench or bed (not the depth at which the distribution line is placed within the trench or bed).

And make any necessary consequential amendments

APPENDIX 3 – VARIATION 3: AMENDMENTS TO RULES OF PROPOSED REGIONAL COASTAL ENVIRONMENT PLAN

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<p>Rule 26</p> <p><u>Existing Lawfully established domestic non-reticulated wastewater disposal systems</u>¹</p>	<p>The discharge of contaminants onto or into land, <i>and any ancillary discharge of contaminants into air</i>, in the Coastal Margin from any <i>lawfully established domestic non-reticulated</i> wastewater disposal system, which existed prior to 15 April 2000</p>	Permitted	<p>a. The rate of discharge shall not exceed 2m³/d, averaged over any 7 day period.</p> <p>b. There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body.</p> <p>c. There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area or any surface water body as a result of the discharge.</p> <p>d. Either:</p> <p>i. The point of discharge shall be no less than 600 mm above the winter groundwater table, or</p> <p>ii. The discharge shall not result in, or contribute to, a breach of the 'Drinking Water Quality Standards for New Zealand' (Ministry of Health, 2005 2000 (Revised 2008)) in any groundwater body after reasonable mixing.</p> <p>e. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property.</p> <p>f. For discharges from pit privies, the privy shall be constructed in the soil with an infiltration rate not exceeding 150 mm/h.</p> <p><i>Either:</i></p> <p><i>i. discharges from pit privies shall be from privy's constructed in soil with an infiltration rate not exceeding 150 mm/h; or</i></p> <p><i>ii. all other discharges shall be into a specifically designed and constructed land treatment field.</i></p>		

¹ Any lawfully established domestic non-reticulated wastewater system modified or replaced after 1 January 2012 is considered to be a 'new' system and must be assessed in accordance with Rule 27.

NOTE Rule 26 means that once the system has been lawfully established, the system's continued operation is permitted under this rule. No ongoing consent is required for the operation of lawfully established discharges provided the conditions of this rule are met.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>g. Compliance with any conditions of a resource consent held for the activity prior to notification of this Plan.</p> <p>h. A schedule and/or record of maintenance undertaken shall be forwarded to the HBRC on request.</p> <p><i>The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547:2000. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</i></p> <p><i>hA The discharge shall not be disposed of by way of spray irrigation.</i></p> <p><i>hB The discharge shall not be located upstream of a registered drinking water supply that provides at least 501 people with drinking water.</i></p>		
Rule 27	<i>Except as provided for by Rule 26 or Rule 28, the discharge of contaminants (including greywater) onto or into land, and any ancillary discharge of contaminants into air, in the Coastal Margin from any new³ domestic non-reticulated wastewater disposal treatment system (including greywater) established after 15 April 2000.</i>	Permitted	<p>b. The rate of discharge of domestic sewage (including greywater) shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>c. The discharge shall not be onto or into a property with a land area less than 1500 m² except: Where the wastewater receives no more than primary treatment or advanced primary treatment, the discharge shall not be onto or into a property with a land area less than 2500 m².</p> <p>d. The discharge <i>and land treatment field</i> shall not be occur within:</p> <ol style="list-style-type: none"> i. 20 m of any surface water body (including any stormwater open drain or roadside drain) or ii. 20 m of any tile drain or iii. 20 m of the coastal marine area or iv. 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge or 		

² *"New" domestic non-reticulated wastewater systems include those systems installed after this rule becomes operative, as well as those lawfully established domestic non-reticulated wastewater systems that have been modified or replaced since 1 January 2012.*

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>iv. 1.5 m of any property boundary.</p> <p><i>dA At the time of installation and commencement, the discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge.</i></p> <p><i>dB The discharge shall not occur on land with a slope of greater than 15 degrees (from the horizontal).</i></p> <p><i>dC The proportion of net site area to discharge volume shall not be less than 1 m² per litre per day per discharge⁴.</i></p> <p>e. Disposal fields must not be located within:</p> <ul style="list-style-type: none"> i. 20 m of any surface water body (including any stormwater open drain or roadside drain) or ii. 20 m of any tile drain or iii. 20 m of the coastal marine area or iv. 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge v. 1.5 metres of the property boundary <p>f. There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body.</p> <p>g. The discharge shall be distributed evenly over the entire disposal area.</p> <p>h. There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area or any surface water body as a result of the discharge.</p> <p>i. The <i>point of discharge shall be no less than</i> be able to infiltrate through at least 600 mm <i>above the highest seasonal groundwater table</i> of unsaturated soil.</p> <p>j. The discharge shall not result in, or contribute to, a breach of the 'Drinking Water Quality Standards for New Zealand' (Ministry of Health, 2005 <i>2008</i>) in any groundwater body after reasonable mixing.</p>		

⁴ *The proportion of net site area to discharge volume can be calculated by dividing the net site area by the expected daily wastewater volume. If the answer is less than 1, the discharge does not comply with this condition. e.g. three bedroom home with maximum daily discharge volume of 1200 L (6 people at 200 L/p/d) on a 1000 m² property has a ratio of 0.83 (1000/1200). This discharge would not comply with this condition.*

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<p>k. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols), beyond the boundary of the subject property or on any public land.</p> <p>l. For discharges using the long-drop method:</p> <p>i. the long-drop shall be constructed in soil with an infiltration rate not exceeding 150 mm/h and</p> <p>ii. the long drop shall not be the primary wastewater system for any permanently occupied dwelling.</p> <p>m. The system shall be designed, constructed, operated and maintained in a manner which ensures that there is no clogging of the disposal system or soils.</p> <p><i><u>mA The system shall be designed and installed in accordance with the requirements specified in Schedule J.</u></i></p> <p><i><u>mB The discharge shall not be into a trench or bed disposal system constructed in category 5 or 6⁵ soil.</u></i></p> <p>n. Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m³ of BOD, and 30 g/m³ of suspended solids.</p> <p>o. The treatment and disposal system shall be maintained in accordance with the manufacturer's instructions and a schedule of maintenance shall be forwarded to the HBRC upon request.</p> <p><i><u>The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547:2000. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</u></i></p> <p>p. The discharge shall not be disposed of by way of spray irrigation.</p> <p><i><u>pA The discharge shall not be into a raised bed.</u></i></p>		

⁵ A category 5 soil is a light clay, permeability (K_{sat}) can range generally between 0.5 m/d (strongly structured) and <0.06 m/d (weakly structured or massive) and the soil is poorly drained. Clay content of approximately 35-40%. Category 6 soils are medium to heavy clays that are very poorly drained. The permeability of category 6 soils is generally less than 0.06 m/d. Clay content of over 40%.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<i>pB</i> <u>The discharge shall not be located upstream of a registered drinking water supply that provides at least 501 people with drinking water.</u>		
Rule 28 Existing Lawfully established high discharge rate volume domestic non-reticulated wastewater disposal systems⁴	The discharge of contaminants onto or into land, <i>and any ancillary discharge of contaminants into air</i> , in the Coastal Margin from any <i>lawfully established</i> domestic <i>non-reticulated</i> wastewater disposal system which existed prior to notification of this Plan, with a rate of discharge exceeding 2m ³ /day averaged over any 7 day period.	Restricted discretionary	a. There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body. b. There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area, any groundwater system or any surface water body as a result of the discharge. c. Either: <ul style="list-style-type: none"> i. The point of discharge shall be no less than 600mm above the winter groundwater table above the highest seasonal groundwater table, or ii. The discharge shall not result in, or contribute to, a breach of the 'Drinking Water Quality Standards for New Zealand' (Ministry of Health, 2005 2000 <i>(Revised 2008)</i>) in any groundwater body after reasonable mixing. d. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols), beyond the boundary of the subject property.	a. Method of treatment b. Method of disposal c. Effluent application rate d. Need for reserve area e. Buffer zone requirements <i>eA Maintenance of system</i> <i>eB. Proximity to registered drinking water supplies</i> f. Matters in Chapter 26.4	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

And make any necessary consequential amendments

APPENDIX 4 – VARIATION 3: AMENDMENTS TO GLOSSARY OF PROPOSED REGIONAL COASTAL ENVIRONMENT PLAN

Glossary

Add the following definitions:

Advanced primary treatment

in relation to the treatment of wastewater, means primary treatment with the addition of an effluent outlet solids control device (outlet filter).

Net site area

means a single contiguous area of a property set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, access lots or access strips and entrance strips.

Raised bed

in relation to non-reticulated wastewater systems means an area that wastewater is discharged into/onto that has been raised above ground level by the importation of additional soil/fill.

Amend the following definitions:

Non-reticulated wastewater system

means a system for the collection, treatment and disposal of wastewater within the property boundaries of the wastewater's origin. Treatment systems include basic septic tank units, alternative septic tank units, dry vault units (e.g. pit privies), wet vault (e.g. septic closet) systems for blackwater with separate greywater disposal (e.g. sullage tanks), aerated wastewater treatment systems, sand media and alternative filters, wetlands etc. Disposal systems include soakage trenches and beds, modified trench and bed systems relying in full or in part on evapo-transpiration, subsurface and surface irrigation systems, absorption wells/infiltration pits, and above ground treatment/disposal (fill and mound) systems.

Point of discharge

in relation to a drainage system, means the location in a system that the drainage system operator ceases to control the discharge to the environment.

in relation to non-reticulated and reticulated wastewater systems, means the depth below or above ground level that a distribution line is placed, or if a trench or bed is used, the base of that trench or bed (not the depth at which the distribution line is placed within the trench or bed).

And make any necessary consequential amendments

APPENDIX 5 – VARIATION 3: AMENDMENTS TO SCHEDULE J OF PROPOSED REGIONAL COASTAL ENVIRONMENT PLAN

Schedule J: Requirements for domestic non-reticulated wastewater systems

J1 Design Flow Allowances for non-reticulated wastewater systems

<u>Source</u>	<u>Typical wastewater flow allowance in L/person/day</u>	
	<u>On-site roof water tank supply</u>	<u>Reticulated community/bore water supply</u>
<u>Households</u>	<u>140</u>	<u>180</u>
<u>Households (blackwater only)</u>	<u>50</u>	<u>60</u>
<u>Households (greywater only)</u>	<u>90</u>	<u>120</u>
<u>Motels/hotels</u>		
- <u>Guests, resident staff</u>	<u>140</u>	<u>180</u>
- <u>Non-resident staff</u>	<u>30</u>	<u>40</u>
- <u>Reception rooms</u>	<u>20</u>	<u>30</u>
- <u>Bar trade (per customer)</u>	<u>20</u>	<u>25</u>
- <u>Restaurant (per diner)</u>	<u>20</u>	<u>30</u>
<u>Community halls</u>		
- <u>Banqueting</u>	<u>20</u>	<u>30</u>
- <u>Meetings</u>	<u>10</u>	<u>15</u>
<u>Restaurants (per diner)</u>		
- <u>Dinner</u>	<u>20</u>	<u>30</u>
- <u>Lunch</u>	<u>15</u>	<u>25</u>
<u>Tea rooms (per customer)</u>		
- <u>Without restroom facilities</u>	<u>10</u>	<u>15</u>
- <u>With restroom facilities</u>	<u>15</u>	<u>25</u>
<u>School (pupils plus staff)</u>	<u>30</u>	<u>40</u>
<u>Rural factories, shopping centres</u>	<u>30</u>	<u>50</u>
<u>Camping grounds</u>		
- <u>fully serviced</u>	<u>100</u>	<u>130</u>
- <u>recreation areas</u>	<u>50</u>	<u>65</u>

NOTE: For the purposes of determining building occupancy, Hawke's Bay Regional Council adopt an occupancy of 2 people per room, excluding bathrooms, kitchens, laundries and any other room that cannot feasibly be used as a bedroom

J2 Irrigation Systems

J2.1 Recommended design loading rates for irrigation systems

<u>Soil category</u>	<u>Soil texture</u>	<u>Design irrigation rate (mm/week)</u>
<u>1</u>	<u>Gravels and sands</u>	<u>35 mm/wk (5 mm/d)</u>
<u>2</u>	<u>Sandy loams</u>	<u>35 mm/wk (5 mm/d)</u>
<u>3</u>	<u>Loams</u>	<u>28 mm/wk (4 mm/d)</u>
<u>4</u>	<u>Clay loams</u>	<u>25 mm/wk (3.57 mm/d)</u>
<u>5</u>	<u>Light clays</u>	<u>20 mm/wk (2.86 mm/d)</u>
<u>6</u>	<u>Medium to heavy clays</u>	<u>15 mm/wk (2.14 mm/d)</u>

J2.2 Design specifications for Irrigation systems

- a) Irrigation lines placed on the surface shall be pinned to the surface and covered with at least 100 mm depth of cover
- b) Subsurface irrigation lines shall be installed at a maximum depth of 200 mm below ground level
- c) Minimum spacing at least 600 mm in sand and 1000 mm in all other soil types
- d) Wastewater shall be applied evenly across the entire land treatment field

J3 Trenches or Beds

J3.1 Recommended design loading rates for trenches and beds

<u>Soil category</u>	<u>Soil texture</u>	<u>Structure</u>	<u>Design loading rate</u>		
			<u>Primary treated effluent</u>		<u>Secondary treated effluent (mm/d)</u>
			<u>Conservative rate (mm/d)</u>	<u>Maximum rate (mm/d)</u>	
<u>1</u>	<u>Gravels and sands</u>	<u>Structureless</u>	<u>20</u> <i>(see note 1)</i>	<u>35</u> <i>(see note 1)</i>	<u>50</u> <i>(see note 1)</i>
<u>2</u>	<u>Sandy loams</u>	<u>Weakly structured</u>	<u>20</u>	<u>35</u>	<u>50</u>
		<u>Massive</u>	<u>15</u>	<u>25</u>	<u>50</u>
<u>3</u>	<u>Loams</u>	<u>High/mod structure</u>	<u>15</u>	<u>25</u>	<u>50</u>
		<u>Weakly structured/massive</u>	<u>10</u>	<u>15</u>	<u>30</u>
<u>4</u>	<u>Clay loams</u>	<u>High/mod structure</u>	<u>10</u>	<u>10</u>	<u>30</u>
		<u>Weakly structured</u>	<u>6</u>	<u>10</u>	<u>20</u>
		<u>Massive</u>	<u>4</u>	<u>5</u>	<u>10</u>
<u>5</u>	<u>Light clays</u>	<u>Strongly structured</u>	<u>Consent required</u>	<u>Consent required</u>	<u>Consent required</u>
		<u>Mod structured</u>	<u>- see Rule 37</u>	<u>- see Rule 37</u>	<u>- see Rule 37 (nb)</u>
		<u>massive</u>	<u>(nb)</u>	<u>(nb)</u>	
<u>6</u>	<u>Medium to heavy clays</u>	<u>Strongly structured</u>	<u>Consent required</u>	<u>Consent required</u>	<u>Consent required</u>
		<u>Mod structured</u>	<u>- see Rule 37</u>	<u>- see Rule 37</u>	<u>- see. Rule 37</u>
		<u>massive</u>	<u>(nb)</u>	<u>(nb)</u>	<u>(nb)</u>

NOTE 1: The treatment capacity of the soil and not the hydraulic capacity of the soil or the growth of the clogging layer govern the effluent loading rate of category 1 soils. Category 1 soils require special design.

J3.2 Design specifications for trenches or beds

- a) Trenches must be at least 400 mm deep and 300 mm wide.
- b) They should be no longer than 25 m long, and there must be a spacing of at least 1000 mm between adjacent trench walls
- c) Beds must be at least 1000 mm wide, with a minimum spacing of 1000 mm between adjacent trench walls
- d) Multiple distribution lines to be included where beds are more than 1.5 metres in width.
- e) Both trenches and beds must be backfilled with distribution media and covered with a minimum 150 mm of topsoil
- f) The discharge shall be pumped, or dosed in fixed quantities so that the wastewater is applied evenly across the entire land treatment field

And make any necessary consequential amendments

Appendix 6

**Change 3 -
Regional Resource Management Plan:
On-site wastewater**

**Variation 3 -
Regional Coastal Environment Plan:
On-site wastewater**

Section 32 Evaluation Summary

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(part of HBRC Plan Number 4267)

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Overview

1. This report sets out a summary of the evaluation for Hawke's Bay Regional Council's decision to prepare and notify both Change 3 to the Regional Resource Management Plan (RRMP) and Variation 3 to the Proposed Hawke's Bay Regional Coastal Environment Plan (RCEP).

What is a section 32 evaluation?

2. When preparing plans and plan changes, local authorities have a duty under section 32 of the Resource Management Act 1991 (RMA) to evaluate a number of matters and to consider alternative ways to achieve environmental outcomes. An analysis of the benefits and costs in deciding which provisions are the most efficient has to be carried out.
3. Section 32 of the RMA requires councils, when preparing or amending plans, to examine:
 - (3) *(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. ...
 - (4) *For the purposes of the examinations referred to in subsections (3) and (3)(a), an evaluation must take into account—*
 - (a) the benefits and costs of policies, rules, or other methods; and*
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
4. The RMA also requires that a report be prepared that summarises the evaluation and gives reasons for that evaluation. This report has been prepared to fulfil that requirement (under s32(5)).

What is the scope of this section 32 summary report?

5. This report takes the form of an evaluation summary solely in relation to HBRC's decision to amend rules relating to on-site domestic wastewater discharges.
6. This summary report does not purport to be the comprehensive s32 record of all evaluation, council discussions, council decisions, staff workshops and assessment undertaken in the course of earlier development of other plan provisions such as objectives and policies relating to wastewater discharges.

'Problem' definition

7. As part of initiatives to continually improve its plans, the Regional Council has identified several issues where the current rules for individual on-site domestic wastewater discharges to land could be improved. The main areas of difficulties are:
 - a) the lack of clarity around interpretation of the existing rules, especially what is "land zoned for residential activity" in Rule 37(d) of the RRMP;
 - b) the need for consents to be renewed for any wastewater systems installed since April 2000, even though these are typically well designed and good quality;
 - c) inadequate controls to carefully manage wastewater discharges in locations where land slope and property size pose constraints on ongoing operation and effectiveness of some wastewater systems.

Lack of clarity around interpretation

8. Rule 37(d) of the RRMP currently restricts the discharge of wastewater onto 'any land zoned for residential activity.' This terminology has caused considerable debate and confusion for many years. The Regional Council interprets this condition as restricting discharges on rural residential properties (such as those properties in Poraiti, on the hills above Bay View, the Esk Valley and Waimarama).

9. The original intent of Rule 37(d) has been debated and re-debated, but for now, the rule is still applied to land in Rural Residential Zones¹. Rural residential properties can be large properties (e.g. 5000m²) with a large amount of land suitable for wastewater discharge, or conversely large lots with a building platform and the remainder of the section steeply sloping land that is unsuitable for on-site wastewater disposal. The current wording of the rule does not provide any definition of what 'any land zoned for residential activity' is, and current interpretation of the rule relies on intent and name of the district plan zone that the property is within.
10. Rule 37(d) was an attempt to adopt a risk-based approach, but is limited in the risk factors it takes into account. In some instances properties over 3000m² of flat to rolling topography with well drained soils require resource consent simply because they are zoned rural residential, despite complying with all other conditions of Rule 37 as it is currently stated. This is an unintended consequence of the rule structure.
11. The problem definition for the RCEP is slightly different. At the time the rules for the RCEP were drafted (i.e. 2004-2006), the lack of clarity around the interpretation of 'land zoned for residential activity' had been recognised. Instead a condition was included which restricted discharges on properties with a land area less than 1500m². While this condition did not create the same problem with interpretation as Rule 37 of the RRMP, it was still a relatively blunt approach which fails to take into account site characteristics that could increase, or decrease, the risk to the environment that an on-site wastewater discharge presents on a particular site.

Need for consent renewals

12. In settlements such as Waimarama and Haumoana, the installation of a new wastewater system requires a resource consent simply because of the district plan zoning. Most existing on-site wastewater systems have no consent as they pre-date the current rules which relate to systems installed since April 2000. Therefore, the Regional Council has virtually no information about how well those older individual systems are performing. Anecdotal evidence suggests that many older wastewater treatment systems are not treating wastewater to a suitable standard, however there is little monitoring data that substantiates this.
13. Up until the Regional Council's 2011-2012 Annual Plan was adopted², people have been required to pay a deposit of \$1125 (excl GST) when they lodge their replacement resource consent application. This is a relatively large sum of money and can seem unjustified to an applicant when their neighbour has an older on-site wastewater system that produces effluent of a poorer quality, and has never had to pay to consent the discharge from it, or to pay for monitoring inspections once consented. The 2011-12 Annual Plan has reduced the initial fixed fee (deposit) for the renewal of an existing on-site wastewater discharge permit to \$260 (excl GST), however unless an application is classified as a 'category 1 system' (these systems must have good compliance history, and be able to provide evidence of ongoing maintenance servicing by an accredited installer/service agent) then applicant's still have to pay actual and reasonable processing costs over and above the initial fixed fee.
14. Regulation based on pre or post a particular point in time is not consistent with the effects-based approach of this plan change. On-site wastewater systems installed prior to April 2000 do not necessarily produce effluent of an inferior quality to systems installed post 15 April 2000. The 15 April 2000 date does not relate to a significant shift in wastewater treatment technology, but rather the date that the RRMP was notified. Although wastewater treatment technology is continuously improving, there was a range of systems available in the early 2000's that treated on-site wastewater to a suitable secondary standard. At that time the Regional Council was testing annually the effluent produced by every on-site wastewater system in the region that required a resource consent. The results of this testing indicated that on the whole, the secondary wastewater systems that were being installed were treating effluent to a secondary standard. The quality of this effluent was better than that produced by standard septic tanks.

¹ A case is currently before the Environment Court which may lead to a clearer interpretation of RRMP Rule 37(d) and its relevance to land in Rural Residential Zones.

² The Regional Council adopted the 2011- 2012 Annual Plan on 29 June 2011.

15. The current rule structure requires resource consents for those systems installed since 15 April 2000 which produce effluent of a known quality, while wastewater systems installed prior to 15 April 2000 that produce effluent of an unknown quality, have in some instances never been required to gain a discharge permit. Ongoing monitoring of systems installed since 2000 is not really contributing much to the Regional Council's understanding of the effects of wastewater discharges on the environment. The quality of effluent produced by such systems is well understood. Removing the need to replacement consents saves property owners money, and also enables the Regional Council's resources to be redirected to other monitoring programmes such as monitoring to check whether or not systems in high risk areas do actually comply with all conditions of the existing system rules.

Inadequate controls

16. The current rule structure does contain some effects-based conditions such as a separation distance from waterways, wells that draw water from unconfined aquifers, property boundaries and the winter ground water table. However there are a number of other site constraints that potentially have a significant effect on the effectiveness of an on-site wastewater system, that are not currently provided for. There are restrictions on the methods of wastewater distribution that can be used on slopes of greater than 15° (27%), therefore consideration of slope angle is important. Spacing between irrigation lines needs to be increased on slopes of greater than 15°. Requiring on-site wastewater discharges in sloping locations to obtain resource consent will enable the Regional Council to assess the proposed designs and ensure that they are appropriate for the proposed site.
17. The size of a property, relative to the volume of the proposed discharge is another factor that is currently not addressed by conditions in the permitted activity rule. Small discharges on large properties present a relatively low risk to the environment, while large discharges on small lots, if not designed appropriately, can result in nuisance effects on neighbours amongst other things.

What do the plan changes not address?

18. Change 3 and Variation 3 are proposed solutions to the above 'problems.' It is important to note that Change 3 and Variation 3 are not 'silver bullets' solving every challenge associated with wastewater. Change 3 and Variation 3 DO NOT:
- a) deal with environmental monitoring programmes for existing and new wastewater systems;
 - b) amend objectives or policies in either the RRMP or RCEP relating to on-site wastewater;
 - c) modify how industrial and municipal wastewater is treated or regulated;
 - d) propose reticulation or decentralised systems for any community;
 - e) deal with the accreditation programme for wastewater system manufacturers, designers, installers or service providers;
 - f) deal with resource consent processing fees and charges;
 - g) differentiate greywater from blackwater, or make special provision for plumbing systems that recycle greywater for irrigation or other on-site uses.
 - h) modify how building consents are processed and issued.
19. The finite scope of Change 3 and Variation 3 will not fully address the inequities between requirements placed on consented and unconsented wastewater systems. This is part of a separate plan change workstream currently under construction by the Regional Council. As that separate change progresses in 2011, opportunities will be provided for interested people to make comments on that proposal in due course.

Section 32 tests

20. The following is a summarised assessment of the RMA's requirements in section 32.

s32(3)(a) – Are the objectives the most appropriate way to achieve the purpose of the Act?

21. This is not applicable as no new objectives or amended objectives are considered necessary as part of this plan change. The problem (defined in paragraph 7 above) relates to the certainty and implementation of rules – not objectives or policies in the plans. Nevertheless, the rules will need to be appropriate for achieving the objectives already stated in the plans and regional policy statement³.

s32(3)(b) – Are the policies, rules or other methods the most appropriate (with respect to efficiency and effectiveness) for achieving the objectives?

22. This is not applicable to policies as no new policies or amended policies are considered necessary as part of this plan change. The problem (defined in paragraph 7 above) relates to the certainty and implementation of rules – not objectives or policies in the plans. Nevertheless, the rules will need to be appropriate for implementing the policies already stated in the plans and regional policy statement⁴.

23. In general, the amended rules are considered to be more appropriate than the current rules because they adopt a more refined, 'effects based' approach. The amended rules focus on allowing wastewater discharges in locations where they present a minor risk of any adverse environmental effects, and focusing restrictions in locations where a wastewater discharge could present a greater risk to the environment, if not appropriately designed, installed and monitored. By requiring resource consent for wastewater discharges in locations where site constraints exist, the Regional Council has an opportunity to assess the proposed design, and ensure that it appropriately avoids any adverse environmental effects that could occur as a result of its location. This approach will more effectively and efficiently achieve the objectives of both plans, and the RPS.

24. A limited number of alternative approaches are available to undertaking a limited scope plan change now. The principal alternatives of those approaches are outlined in Table 1. Table 2 outlines a summary of alternative rules' respective advantages and disadvantages.

³ Relevant objectives include: **RRMP**: 38 (land); 39 (air quality); 40 (surface water quality); 42 and 43 (groundwater quality); **RCEP**: 8-1 (land); 9-1 (surface water quality); 11-1 and 11-2 (groundwater quality); 14-1 (air quality); 16-1 (discharge of contaminants into CMA); **RPS**: 21 and 22 (groundwater quality); 27 (surface water resources).

⁴ Relevant policies include: **RRMP**: 67 (land); 69 (air quality); 71 and 72 (surface water quality); 75 and 76 (groundwater quality); **RCEP**: 8-1 (land); 9-1 and 9-2 (surface water quality); 11-1 and 11-2 (groundwater quality); 14-1 and 14-2 (air quality); 16-1, 16-2 and 16-3 (discharge of contaminants into CMA); **RPS**: 8 (conflicting land uses); 15, 16, 17 and 18 (groundwater quality); 47 (surface water resources).

Table 1. Consideration of alternative approaches

Option	Advantages	Disadvantages
Status quo	<ul style="list-style-type: none"> ▪ Avoid cost of plan change process ▪ No extra rules or different rules that may cause confusion for Plan users. 	<ul style="list-style-type: none"> ▪ Potential environmental cost of non-reticulated wastewater discharges occurring as permitted activities in inappropriate locations ▪ Lawfully established low volume discharge systems installed since April 2000 will still require a discharge permit – economic cost to applicants ▪ Industry representatives are supportive of proposed changes. Support may vanish changes do not occur or long delays encountered. ▪ Must continue to work with rules that can, in parts, be difficult to interpret and administer ▪ Lack of clarity in some rules remains unresolved ▪ No changes would miss opportunity to integrate amendments with wide range of other wastewater-related initiatives (eg: accreditation scheme; streamlined consenting; education materials; etc).
Defer amendments and bundle into upcoming growth management and strategic infrastructure-related changes intended to be notified in late 2011.	<ul style="list-style-type: none"> ▪ Avoids consulting with affected parties twice within a relatively short space of time ▪ Potential economies of scale in running separate plan change processes in parallel 	<ul style="list-style-type: none"> ▪ Unknown how long it will take before proposed plan changes become operative ▪ Problems identified are not addressed for some time ▪ Must continue to work with rule framework that is inconsistent between RRMP and RCEP and sometimes difficult to understand ▪ Bundling Changes alongside growth and infrastructure changes may lead Changes being delayed and taking longer to progress to operative state ▪ Deferring Changes would miss opportunity to integrate amendments with wide range of other wastewater-related initiatives (eg: accreditation scheme; streamlined consenting; education materials; etc).

Table 2. Consideration of alternative rules (where shaded box indicates preferred option proposed in Change 3 / Variation 3)

Option	Advantages	Disadvantages
<p>Remove reference to 'land zoned for residential activity' and</p> <ol style="list-style-type: none"> 1. not replace with anything else 2. replace with a lot size 	<ul style="list-style-type: none"> ▪ More permissive rule framework – significantly less properties would require discharge permits which would result in an economic saving to those landowners, and time and resource savings for the regional council ▪ Easy for plan users to interpret and administer ▪ Easy to assess compliance with such a condition 	<ul style="list-style-type: none"> ▪ High potential of adverse environmental effects as a result of inappropriately designed and maintained on-site wastewater systems being installed ▪ Relatively blunt approach – is not consistent with intent of plan change to provide a more effects-based rules ▪ Raises questions as to what lot size is appropriate. One lot size for all soil types is rather blunt approach, but introducing different lot sizes for different soil types would introduce complexity to the rule ▪ Fails to provide for development that is commensurate to the size of a site
<ol style="list-style-type: none"> 3. replace with other 'site constraint' conditions 	<ul style="list-style-type: none"> ▪ Would be consistent with the intent of the plan change to provide a more effects-based approach ▪ Potentially less properties would require resource consent. However, any economic benefit is very difficult to quantify without defining what other site constraints might be. 	<ul style="list-style-type: none"> ▪ Raises questions as to what site constraints might be necessary. The proposed ratio condition is based on a similar condition in use by the Auckland Council, slope is also used by other local authorities ▪ Slope and lot size are considered to be two of the most important site constraints that system design needs to take into account. To choose other site constraints would not focus on the key risk areas.

Option	Advantages	Disadvantages
<p>Replacement consents</p> <p>1. Continue to require them but issue for a longer period</p> <p>2. Make replacement consents a controlled activity</p>	<ul style="list-style-type: none"> ▪ Monitoring results would ensure that the quality of effluent produced by the system is known ▪ Economic cost to property owners concerned is decreased as frequency of consent renewal process is less ▪ Increased certainty for applicant ▪ Systems could be required to be monitored which would result in additional information about performance of such systems ▪ Reduced scope of consenting process 	<ul style="list-style-type: none"> ▪ Consent processing charges for obtaining replacement consents is not avoided ▪ Does not enable Council's compliance monitoring resources to be redirected to other monitoring programmes such as monitoring on lawfully established systems ▪ Does not address inequity issue that exists between those systems that are required to seek replacement consent and those older systems that have never been required to seek resource consent ▪ Economic cost to property owners affected ▪ Absorbs HBRC consenting and compliance resources for limited environmental gain ▪ Does nothing to address inequity issue
<p>3. Introduce (through the annual plan) a fixed fee for processing for all replacement consents</p>	<ul style="list-style-type: none"> ▪ Reduced cost to applicants ▪ Would likely result in stream-lined consenting process in an effort to ensure time spent was equal or lesser than fixed fee 	<ul style="list-style-type: none"> ▪ Potential cost to ratepayers if fixed cost does not cover costs of processing ▪ Limited environmental benefits result from consent replacement process as few systems are changed as a result

s32(4)(a) – What are the benefits and costs of the policies, rules or other methods?

25. In broad terms, the key benefit of the proposed rule changes is a more refined effects based approach. The proposed changes are intended to only require those sites where an on-site wastewater discharge may present a risk to the environment to have discharge permits. The need for replacement consents for low volume non-reticulated wastewater systems has been removed, because the value of the consent replacement process has decreased over time, as wastewater system design has improved. Replacement consents also place a financial burden on applicants, and require a significant portion of HBRC Compliance staff time, which would be better utilised undertaking compliance checks on lawfully established systems that have never been subject to resource consent, and the quality of wastewater produced by those systems is not known.
26. Table 3 outlines a summary of the advantages and disadvantages of proposed changes to the rules.

Table 3. Advantages and disadvantages of proposed changes to rules

Change	Advantages	Disadvantages
Inclusion of ancillary discharge of contaminants to air in rule	<ul style="list-style-type: none"> • Rule previously had a condition relating to offensive and objectionable odour beyond the boundary but technically, consent was only issued for a discharge to land. Inclusion in the activity definition makes it clear that these rules do relate to both discharges to land, and ancillary discharges to air, from wastewater systems and consequently both discharges will be authorised by resource consent if necessary. • Improves clarity and certainty of rules and subsequent discharge permits. • Will not result in any change of conditions of discharge permits. • Improves consistency of rules with policies and objectives relating to air quality. 	Nil
<p><u>RRMP only</u> Deletion of reference to “land zoned for residential activity” in Rule 37(d)</p>	<ul style="list-style-type: none"> • Improved clarity and certainty for Plan users implementing and administering rule. • Removes a relatively blunt approach and if replaced with other site constraints (eg: slope and site area to wastewater volume ratio), then proposal would provide a more effects-based approach. • Addresses one of the key problems identified as driver for this plan change. • Avoids reliance of RRMP on zoning specified in district plans. Would make regional rules stand alone resulting in ease of interpretation and understanding. • In 2010, the Regional Council issued 68 discharge permits for on-site wastewater systems with maximum discharge volumes less than 2 m³/day. 51 of those consents were required solely because the discharge occurred on “land zoned for residential activity”. Alone, deleting the reference would remove the need for significant numbers of resource consent applications. 	Nil

Change	Advantages	Disadvantages
<p><u>RCEP only</u> Deletion of 1500 m² lot size restriction</p>	<ul style="list-style-type: none"> • Removes a relatively blunt approach and if replaced with other site constraints (eg: slope and site area to wastewater volume ratio), then proposal would provide a more effects-based approach. • Would re-introduce consistency between wastewater rules of RRMP and RCEP. 	<ul style="list-style-type: none"> • Lot size is relatively easily understood and measurable by Plan users. • Conditions proposed which would effectively replace this condition are slope and ratio conditions which are not as easy to measure.
<p>Inclusion of condition specifying a maximum slope angle of land</p>	<ul style="list-style-type: none"> • Improved effects-based approach based on risk – slope requires specific design considerations. Systems that are not appropriately designed for the topography in which they are installed can result in the soil becoming saturated, which significantly increases the risk of slope failure (slips etc). • Ensures any discharges on a slope greater than 15° will not be permitted and require a resource consent. • Many on-site wastewater systems in region's settlements are on flat to gently undulating land so 15° slope factor will not apply in those settlements. • Consideration of slope is recognised as 'best management practice' for system design, assessment and installation. Applying condition on slope reinforces that best practice approach. 	<ul style="list-style-type: none"> • Will require some discharges in rural areas to obtain resource consent where they are currently permitted by existing rules. • Will be inconsistency in some subdivisions/properties where some discharges are on flat ground and others are on steep slopes. • Relies on applicants (or their agents) accurately measuring slope angle. • In 2010 HBRC issued 65 permitted activity letters to property owners whose proposed on-site wastewater systems complied with all conditions of the relevant wastewater rules, and were therefore permitted. Potentially up to 23 of those properties would require resource consent under the proposed rules solely because the slope on which the discharge occurred was greater than 15°.⁵ • Not consistent view on appropriateness of proposed slope angle. Some people consider it to be too steep, while others consider it to be too restrictive and believe it should be steeper.
<p>Inclusion of a site area to wastewater volume ratio condition</p>	<ul style="list-style-type: none"> • Provides opportunity for site size compared with discharge volume to be taken into account. • Improved effects-based approach. Smaller sections with large discharges potentially present a greater risk 	<ul style="list-style-type: none"> • May be difficult for people to understand, at least initially. • Does not address inequity issue of some properties within communities requiring resource consent and not others. • Alone, is unlikely to cause significant decrease in the

⁵ NOTE: The Council's current discharge permit application form does not ask for information about slope of the proposed discharge area, therefore this is a very approximate number.

Change	Advantages	Disadvantages
	<p>to the environment and vice versa.</p> <ul style="list-style-type: none"> • Encourages appropriate development on sites (eg. small site should only accommodate a small dwelling due to wastewater treatment and disposal limitations). • An assessment of where this condition might require consents has indicated that lots within the coastal communities such as Waimarama, Te Awanga, Haumoana, Bay View and Whirinaki are smaller and therefore may require consent because of this condition. Jervoistown also has some relatively small sections. These settlements are 'zoned for residential activity' therefore require discharge permits under the current rule structure – there is likely to be little change in how many people require resource consent in these areas. • Requiring size of property to be relative to volume of discharge would address historical issues with multiple discharges on one property. Current rules do not address this, however proposed changes would mean sufficient area must be provided for each discharge. 	<p>number of properties that require resource consent to discharge on-site wastewater.</p>
<p>Removal of need for existing systems to seek replacement consents</p>	<ul style="list-style-type: none"> • Reduction of costs on consent holders. • Avoids creating a 'sub-group' of consents that constantly need to be reviewed and renewed (currently those systems installed since 2000 are considered to be 'new' systems and need to continually reapply for replacement consents). • Addresses one of the key problems identified as a driver for this plan change. • Rarely have changes been required to existing systems as a result of poor compliance grading. Compliance staff time could be redirected to other tasks such as monitoring effects of older unconsented systems. 	<ul style="list-style-type: none"> • Less systems will be subject to resource consent therefore HBRC no longer has the ability, via consent conditions, to regularly monitor the performance of those systems – potentially some may not be as well maintained because the frequency of any compliance checks would be less frequent.

Change	Advantages	Disadvantages
<p><u>RRMP only</u> Inclusion of Ruataniwha Plains unconfined aquifer in areas where discharges are not permitted</p>	<ul style="list-style-type: none"> • Inclusion of additional area was requested by iwi and relevant TLA. • Would give better effect to Policy 16 of the RPS which requires the regulation of existing and new domestic sewage disposal systems located over the Ruataniwha Plains unconfined aquifer. • Existing Schedule can be used to identify location of Ruataniwha Plains unconfined aquifer. • Consistent with RRMP Policy 75. • Enhanced ability for Council to control effects of activities that may impact on groundwater quality. 	<ul style="list-style-type: none"> • Will require property owners to obtain a discharge permit where current rules do not require this. • It is not known how many lawfully established non-reticulated wastewater systems are already located over the Ruataniwha Plains unconfined aquifer. • Inappropriate to impose this restriction retrospectively on systems already installed and located over the Ruataniwha Plains unconfined aquifer. This will lead to disparity between lawfully established and new wastewater systems over the aquifer.
<p>For new and high volume lawfully established systems depth to groundwater must be at least 600 mm to highest seasonal groundwater table</p>	<ul style="list-style-type: none"> • The highest groundwater level does not necessarily occur in winter. Although this is likely to be the case in most instances, referring to highest seasonal groundwater table provides for those sites where spring may be when the groundwater table is the highest. • This change reflects a more effects-based approach. • Improved consistency with Policy 18(b) which refers to “discharges where the water table is likely to be within 600 mm of the point of discharge at any time” – the policy does not state winter, change to seasonal encompasses intent of policy better. • Will enable greater protection of groundwater quality. 	<ul style="list-style-type: none"> • 600mm separation applies uniformly across all soil types. This is a relatively blunt approach which ideally would be refined for different soil types, however this would be inconsistent with RRMP Policy 18(b). • Doesn't address separation distances for lawfully established wastewater systems. Very difficult to check compliance of lawfully established systems with an amended condition. • Can be difficult to measure highest groundwater level.
<p>New condition relating to discharges into raised beds</p>	<ul style="list-style-type: none"> • Will require all systems that require the construction of a raised bed to seek resource consent. • Requirement for resource consent will enable Council's compliance officers to inspect all new raised beds which in-turn, will assist to ensure beds and systems are regularly maintained and operating effectively. • Raised beds require specific design therefore it is appropriate that these go through the consent process to enable proposed designs to be carefully assessed. cont... 	<ul style="list-style-type: none"> • Does not require existing systems that utilise raised beds to seek consent. Applying this condition retrospectively would be problematic. • For example, in the rural settlement zone of Jervoistown there are currently 119 lots. There are 25 lots that have current discharge permits. All but one of those consents discharge wastewater into a raised bed. Of the remaining 94 properties, it is likely that a significant number of them (up to 96% if the current consents are an accurate indication) would require resource consent because they use or technically require a raised bed.

Change	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Inclusion of such a condition was supported by TLAs and HBRC compliance staff based on their previous experiences of raised bed designs, construction and functioning. • Will enable better protection of groundwater quality. Change improves consistency of rules with RPS Objectives 21 and 22. • Potential public health benefits as a result of appropriately constructed raised beds. 	
Removal of option for primary treatment for new wastewater systems installed on properties over 2500m ²	<ul style="list-style-type: none"> • The addition of an outlet filter to a septic tank improves the quality of wastewater discharged from it. • Outlet filters are a cost effective way of improving the quality of wastewater discharged to the environment. • Better quality wastewater is discharged to the environment – this provides for better protection of existing groundwater and surface water quality. 	<ul style="list-style-type: none"> • Additional costs of purchasing and installing a filter. • There are a significant number of existing septic tanks that do not have outlet filters in place – the proposed change applies only to new systems, not lawfully established systems.
Changes to Figure 6 (RRMP) and Schedule J (RCEP)	<ul style="list-style-type: none"> • Current versions of Figure 6/Schedule J are not regularly used by the Regional Council. Instead, more recently produced publications are referenced. • Proposed Figure 6/Schedule J would incorporate relevant content of joint Australia/NZ Standard for on-site wastewater management (AS/NZS:1547). • Would clearly specify the Regional Council's expectations for system design in Plans. Clear design specifications would make plan easier for system designers to use and understand. • Currently, Regional Council applies AS/NZS 1547:2000 as a benchmark when assessing system design. Expressing relevant content from AS/NZS1547:2000 this in the plans would improve decision-making transparency. • Clearly specifies some measures and assumptions (such as 2 people per room) that have previously been common council practice, but was not prescribed anywhere in Plans. 	<ul style="list-style-type: none"> • AS/NZS 1547:2000 is due to be updated. Design best practice may change, so any revisions would need to be incorporated into Figure 6/Schedule J by way of a Plan Change process in future.

Change	Advantages	Disadvantages
Inclusion of condition requiring new systems to be designed in accordance with Figure 6 (RRMP) and Schedule J (RCEP)	<ul style="list-style-type: none"> • Ensures those systems that are permitted are designed in accordance with recommendations of AS/NZS 1547:2000. Previously there was no reference to design standards in permitted activity rules which meant that systems could be permitted, but not designed in accordance with industry recommendations. Proposed change would enable improved management of environmental effects of wastewater treatment and disposal methods. • Will improve consistency of systems installed. • Would clearly specify Council's expectations for system design in Plans. Clear design specifications would make plan easier for system designers to use and understand. • Currently, Regional Council applies AS/NZS 1547:2000 as a benchmark when assessing system design. Expressing relevant content from AS/NZS1547:2000 this in the plans would improve decision-making transparency. 	<ul style="list-style-type: none"> • Over time, industry 'best practice' may change, so any revisions would need to be incorporated into Figure 6/Schedule J by way of a Plan Change process in future.
Introduction of a condition requiring resource consents for new systems constructed in category 5 or 6 soils	<ul style="list-style-type: none"> • Systems installed in category 5 or 6 soil require site specific design. Such designs should be reviewed by a design expert. Requiring such systems to seek resource consent will enable designs to be properly assessed. • Appropriate design of systems located in such soils will ensure that they can operate effectively and do not have an adverse effect on the environment. • Reflects improved effects-based approach for wastewater management. 	<ul style="list-style-type: none"> • Requires Plan users and resource users to understand definition of category 5 or 6 soil. • Uncertainty about how many additional properties this will mean needing resource consent. Considered unlikely to be high.
Changes to maintenance condition	<ul style="list-style-type: none"> • Clearly identifies the expectations for maintenance – it must either be done in accordance with the manufacturer's instructions, or AS/NZS 1547:2000. • Ongoing maintenance of non-reticulated wastewater system is crucial to their continued effective and efficient operation. 	<ul style="list-style-type: none"> • Owners of previously unmaintained wastewater systems will now incur costs for maintenance work to be completed.

Change	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Better quality wastewater discharged to the environment – positive environmental effect. 	
Inclusion of condition requiring all discharges (other than pit privies) to be into specifically designed land treatment fields	<ul style="list-style-type: none"> • This addresses an issue Council Compliance staff have experienced with existing wastewater systems that do not actually have a land treatment field. Wastewater simply discharges from the tank into the ground. • Positive environmental effect will result from all discharges being treated to a higher degree via a specifically designed land treatment field. 	<ul style="list-style-type: none"> • It is unknown how many existing wastewater systems do not have a specifically designed and constructed land treatment field. • Costs on owners of systems which must have a land treatment field 'retro-fitted' to existing wastewater treatment plant.
New condition relating to spray irrigation	<ul style="list-style-type: none"> • Spray irrigation is no longer considered to be a safe way of discharging wastewater from non-reticulated wastewater systems. • Historically any existing system that still uses spray irrigation as a method of discharge has been required through the consent replacement process to change to a subsurface method of discharge. • Number of people still using spray irrigation in Hawke's Bay is small, therefore any costs to operators is limited • Public health benefits due to lower risk of subsurface, or at least covered, surface irrigation lines. 	<ul style="list-style-type: none"> • Cost of consent process and upgrade of system to those consent holders who are still using spray irrigation. In practice, the Council has given consent holders a lead-in period before an upgraded system has to be installed.
New condition relating to proximity to registered drinking water supplies	<ul style="list-style-type: none"> • Required to be inserted by regulations 10 and 14 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. • Will reduce the risk of on-site wastewater discharges contaminating drinking water sources • Public health benefits. 	<ul style="list-style-type: none"> • The NES does not provide any definition of what 'upstream' of a drinking water supply is, therefore this condition is difficult for the public to understand. To assist, the Regional Council intends identifying areas that are 'upstream' ⁶of each of the 32 (31 groundwater + 1 surface water source) drinking water supplies in Hawke's Bay that supply over 501 people with drinking water where a discharge may have an effect on a drinking water supply.

⁶ Ministry for the Environment was requested to provide guidance on what this term means in the context of the National Environmental Standard for Sources of Human Drinking Water. MfE was unable to provide any clarity.

Change	Advantages	Disadvantages
		<p>The extent of these areas will be influenced by the aquifer characteristics. Once compiled, this information will be a useful reference for Plan users.</p>
<p>Additional matters for discretion added to restricted discretionary activities:</p> <ol style="list-style-type: none"> 1. Proximity to registered drinking water supplies 2. Monitoring of the discharge 3. Maintenance of the system 	<ul style="list-style-type: none"> • Will ensure that NES for drinking water sources is taken into account when making decisions on resource consent applications. A consent authority must consider whether a proposed discharge may have a significant adverse effect on the quality of drinking water at any abstraction point. If it considers that a risk exists, and it grants resource consent, a condition <u>must</u> be included on the consent that requires the consent holder to notify the registered drinking-water supply operator and consent authority if an event that may adversely affect the drinking water supply occurs. • High volume discharges have the potential to have adverse effects on the environment if they are not appropriately monitored and operations altered as necessary. Allowing discretion to be exercised over the monitoring of high volume wastewater systems (both existing and new) will ensure that appropriate monitoring conditions can be included in resource consents. • Ongoing maintenance of wastewater systems is key to their ongoing effective operation. Having the ability to exercise control over the maintenance of a system will assist ensuring new reticulated and existing high volume non-reticulated systems are maintained on a regular basis, which will mean that they last longer and produce wastewater of a higher quality. This results in positive economic and environmental effects. 	<p>All:</p> <ul style="list-style-type: none"> • Applicants have less certainty over the consent conditions that could be included on their discharge permits. • Regular monitoring and maintenance requirements may impose additional costs on consent holders.

Change	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Provides the Council and community with greater certainty that wastewater systems are maintained regularly which has a consequential positive effect on the quality of effluent that is discharged from them. 	
<u>RCEP only</u> Deletion of Rule 27(e)	<ul style="list-style-type: none"> • Was almost exactly the same as Rule 27(d). Has often been perceived as a drafting error. • Provide greater clarity and certainty for Plan users. 	
Additions and amendments to terms in Glossary	<ul style="list-style-type: none"> • Provide greater clarity and certainty for Plan users. • Assists Plan users to interpret and implement rules in consistent manner. • Standardises terminology used within each Plan and across the RRMP and RCEP. 	

s32(4)(b) – What is the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods?

27. There currently exists rule frameworks in both the RRMP and RCEP that deal with wastewater discharges. The Council's Compliance team has collected a significant amount of information about the performance of consented wastewater systems in recent years. Although anecdotal evidence suggests that many older wastewater systems are not treating wastewater to a suitable level, very little monitoring has been undertaken on those systems, therefore the contribution those systems make to groundwater and surface water degradation is unknown.
28. The risk of not acting, and continuing to operate under the existing rule frameworks is that new wastewater systems continue to need resource consent, and are subsequently monitored, while little continues to be known about the state of the existing systems. The onerous controls on new and renewed systems does not fairly relate to the associated risk of environmental impacts of those systems.