

## CONSENT ORDER OF 19 June 2012

### Amendments to Chapter 5 of the Auckland Council Regional Plan: Air, Land and Water. Discharges to Land, Water and Land Management

Additions to the text are shown in underline and deletions as a ~~strikethrough~~.

#### 5.5 RULES

##### SEWAGE TREATMENT AND DISPOSAL

###### Permitted Activities

**5.5.20** The discharge of *domestic wastewater* from one dwelling, commercial, industrial or other premise to land within a lot via a treatment and land application disposal system, from the date that this Rule becomes operative is a Permitted Activity subject to conditions (a) - (i). For the purposes of conditions (c) and (g), TP58 means the ARC Technical Publication No. 58 "On-site Wastewater Systems: Design and Management Manual", August 2004 edition. In the event that the Auckland Council publishes a replacement design and management manual for on-site wastewater systems, all references within conditions (c) and (g) to TP58 will be treated as references to that replacement manual from the date of its publication, rather than as references to TP58:

- (a) The design flow is not greater than 2m<sup>3</sup> per day;
- (b) The ~~proportion~~ ratio of gross lot area to discharge volume is equal to or greater than 1.5m<sup>2</sup> per litre per day;
- (c) All aspects of on-site *wastewater* treatment and land application disposal system, design, installation, and operation shall be in accordance with ~~ARC Technical Publication No. 58 "On-site Wastewater Systems: Design and Management Manual", August 2004 edition, (TP58),~~ TP58, and in particular the following:
  - i The site assessment practices required to determine system suitability;
  - ii The flow allowances used to establish system design flow in (a) above, without any decrease below 120 litres per person per day for water reduction fixtures or grey water reuse;
  - iii The septic tank with outlet filter; unless the equivalent level of treatment is provided within the aerobic treatment system;
  - iv The secondary treatment system design criteria and parameter ranges;

- v The pressure compensating drip irrigation land application disposal system;
  - vi The discharge quality standards to be achieved by the system; and
  - vii The minimum reserve disposal area allocation.
- (d) The discharge does not result in actual or potential contamination of ground water at a point of extraction, any **surface water, stormwater** drain, neighbouring property, or any public health threat;
  - (e) The treatment and land application disposal system are approved by the territorial local authority under the Building Act;
  - (f) The lot is not contained or described in a title issued under the Unit Titles Act **1972 2010** or a cross-lease form of title;
  - (g) There is a programmed **maintenance** contract in accordance with the supplier's specifications or the requirements of TP58 whichever is the more stringent; and records of each **maintenance** action are retained and made available on the site for inspection by Council officers or their agents;
  - (h) The activity shall not disturb any **waahi tapu** or other **archaeological site** including those identified in any regional or district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where the Historic Places Trust approval has been obtained; and
  - (i) In the event that an **archaeological site** or **waahi tapu** is discovered while undertaking the activity, the activity shall cease immediately and the ARC shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the ARC.

**Explanation**

*It is important to note that the relevant components of AS/NZS 1547:2000 have been included within **the August 2004 edition of TP58** and that systems complying with TP58 requirements will also meet the requirements of AS/NZS 1547:2000.*

*It is recognised that new technologies will develop over time and that TP58 will therefore require amendments over the longer term. **The Auckland Council intends to review and update TP58. When the updated TP58 is published, the new guidelines will apply.***

~~Where a design detail is outside the recommended specifications in TP58 the appropriate mechanism for approval is via the resource consent process. Once the particular new design specifications have been proven to meet the objectives of TP58 for effective and sustainable on-site treatment and disposal to the reasonable satisfaction of ARC, then it will be incorporated into TP58 via addendum as appropriate, following a Notified Variation to the Plan.~~

- 5.5.21** The discharge of **domestic wastewater** to land via a treatment and land application disposal system lawfully in existence at the date this Rule becomes Operative is a Permitted Activity subject to the following conditions:
- (a) The nature of the discharge is the same as that existing at the date the Plan becomes operative; and
  - (b) The discharge does not exceed 2 m<sup>3</sup> per day and the design flow is no greater than that existing at the date the plan becomes operative; and
  - (c) The discharge does not result in actual or potential contamination of ground water at a point of extraction, any **surface water**, **stormwater** drain, neighbouring property, or any public health threat.

~~Note: refer also to Chapter 8 Financial Contributions Rule 8.6~~

- 5.5.22** The discharge of **domestic wastewater** from one dwelling, commercial, industrial or other premise without permanent power supply to land within a lot via a treatment and land application disposal system, from the date that this Rule becomes operative is a Permitted Activity, **subject to conditions (a) - (i). For the purposes of conditions (c) and (g), TP58 means the ARC Technical Publication No. 58 "On-site Wastewater Systems: Design and Management Manual", August 2004 edition. In the event that the Auckland Council publishes a replacement design and management manual for on-site wastewater systems, all references within conditions (c) and (g) to TP58 will be treated as references to that replacement manual from the date of its publication, rather than as references to TP58:**
- (a) The design flow is not greater than 2m<sup>3</sup> per day;
  - (b) The **proportion ratio** of gross lot area to discharge volume is equal to or greater than 1.5m<sup>2</sup> per litre per day;
  - (c) All aspects of on-site **wastewater** treatment and land application disposal system, design, installation, and operation shall be in accordance with **ARC Technical Publication No. 58 "On-site Wastewater Systems: Design and Management Manual", August 2004 edition (TP58), TP58** and in particular the following:

- i The site assessment practices required to determine system suitability;
  - ii The flow allowances used to establish system design flow in (a) above, without any decrease below 100 litres per person per day for water reduction fixtures or grey water reuse;
  - iii The septic tank with outlet filter;
  - iv The disposal system comprising of either pressure compensating drip irrigation or the low pressure **effluent** distribution disposal system (LPED) or trenches or beds;
  - v The discharge quality standards to be achieved by the system; and
  - vi The minimum reserve disposal area allocation.
- (d) The discharge does not result in actual or potential contamination of ground water at a point of extraction, any **surface water, stormwater** drain, neighbouring property, or any public health threat;
  - (e) The treatment and land application disposal system are approved by the territorial local authority under the Building Act;
  - (f) The lot is not contained or described in a title issued under the Unit Titles Act ~~1972~~ **2010** or a cross-lease form of title;
  - (g) There is a programmed **maintenance** contract in accordance with the supplier's specifications or the requirements of TP58 whichever is the more stringent; and records of each **maintenance** action are retained and made available on the site for inspection by Council officers or their agents;
  - (h) The activity shall not disturb any **waahi tapu** or other **archaeological site** including those identified in any regional or district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where the Historic Places Trust approval has been obtained; and
  - (i) In the event that an **archaeological site** or **waahi tapu** is discovered while undertaking the activity, the activity shall cease immediately and the ARC shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the ARC.

- 5.5.23 The discharge of **domestic wastewater** to land via treatment and land application disposal systems from up to 3 dwellings, commercial, industrial or other premises within a lot, in circumstances where the premises are sufficiently remote from each other that the **wastewater** systems cannot be feasibly combined is a Permitted Activity, subject to conditions (a) - (j). For the purposes of conditions (c) and (h), TP58 means the ARC Technical Publication No. 58 “On-site Wastewater Systems: Design and Management Manual”, August 2004 edition. In the event that the Auckland Council publishes a replacement design and management manual for on-site wastewater systems, all references within conditions (c) and (h) to TP58 will be treated as references to that replacement manual from the date of its publication, rather than as references to TP58:
- (a) The design flow for each system is not greater than 2m<sup>3</sup> per day;
  - (b) The **proportion ratio** of gross lot area to discharge volume is equal to or greater than 3m<sup>2</sup> per litre per day per dwelling;
  - (c) All aspects of on-site **wastewater** treatment and land application disposal system, design, installation, and operation shall be in accordance with ~~ARC Technical Publication No. 58 “On-site Wastewater Systems: Design and Management Manual”, August 2004 edition (TP58)~~, **TP58**, and in particular the following:
    - i The site assessment practices required to determine system suitability;
    - ii The flow allowances used to establish system design flow in (a) above, without any decrease below 160 litres per person per day for water reduction fixtures or grey water reuse;
    - iii The septic tank with outlet filter; unless the equivalent level of treatment is provided within an aerobic treatment system;
    - iv The disposal system comprising of either pressure compensating drip irrigation or low pressure **effluent** distribution systems (LPED) or trenches or beds; and
    - v The discharge quality standards to be achieved by the system;
  - (d) No less than 100 percent reserve disposal area per system;
  - (e) The discharge does not result in actual or potential contamination or ground water at a point of extraction, any **surface water**, **stormwater** drain, neighbouring property, or any public health threat;

- (f) The disposal area shall be fenced to prevent heavy vehicle or stock access;
- (g) The treatment and land application disposal systems are approved by the **territorial authority** under the Building Act;
- (h) There is a programmed **maintenance** contract in accordance with the supplier's specifications or the requirements of TP58, whichever is the more stringent; and records of each **maintenance** action are retained and made available on the site for inspection by Council officers or their agents;
- (i) The activity shall not disturb any **waahi tapu** or other **archaeological site** including those identified in any regional or district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where the Historic Places Trust approval has been obtained; and
- (j) In the event that an **archaeological site** or **waahi tapu** is discovered while undertaking the activity, the activity shall cease immediately and the ARC shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the ARC.

#### **Controlled Activities**

**5.5.24** The discharge of **domestic wastewater**, from a **wastewater** treatment and land application disposal system which is not permitted by Rules 5.5.20, 5.5.21, 5.5.22, or 5.5.23, is a Controlled Activity, subject to the following standards and terms. **For the purposes of condition (c) TP58 means the ARC Technical Publication No. 58 "On-site Wastewater Systems: Design and Management Manual", August 2004 edition. In the event that the Auckland Council publishes a replacement design and management manual for on-site wastewater systems, the reference in condition (c) to TP58 will be treated as references to that replacement manual from the date of its publication, rather than as references to TP58:**

- (a) The design flow does not exceed 6m<sup>3</sup> /day;
- (b) It is maintained in a programmed manner approved by and reported to the ARC; and
- (c) Design and installation details are in accordance with the principles, procedures, and parameter ranges in **TP58 ARC Technical Publication No. 58 'On-site Wastewater Systems: Design and Management Manual', August 2004 edition**

**5.5.25** The ARC shall exercise its control over the following matters under Rule 5.5.24:

- (a) The design of the treatment system, and the level of contamination
- (b) The design of the disposal system, disposal method, rate of land application, reserve application area and the effects arising from the method chosen;
- (c) Effects on *archaeological sites*, *waahi tapu*, and the matters listed in Policy 2.3.4.4.
- (d) The duration of the consent; and
- (e) The monitoring of the discharge including reporting in an approved format.

### **Non Notification**

Applications for controlled activities shall be considered without public notification or the need to serve notice of the application on affected persons in accordance with Sections 95A(3) and 95B(2) of the RMA, unless in the opinion of the ARC there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA.

### **Discretionary Activities**

**5.5.26** The discharge of *domestic wastewater* by existing deep *bore* systems that do not comply with Permitted Activity Rule 5.5.21 and that require replacement *bores* where there is no viable alternative land disposal option is a Discretionary Activity.

**5.5.27** The discharge of *domestic wastewater* and/or *trade wastes* that are not provided for by any other Rule in this section is a Discretionary Activity.  
(For Rules 5.5.26 – 5.5.27 see also Policies 5.4.1, 5.4.2, 5.4.19 to 5.4.24)

### **Prohibited Activities**

**5.5.28** The discharge of *domestic wastewater* by new “*deep bore*” *disposal* systems is a Prohibited Activity.