


## 5.3 Discharges to land

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. ~~This does not apply w~~here a proposal includes a number of activities which trigger separate specific rules. ~~In that case~~, all of the relevant<sup>1</sup> rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whaitua Chapters 7 – 11.<sup>2</sup>

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.<sup>3</sup>

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Discharges to land	Page	P	C	RD	D	NC	Pr
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<sup>1</sup> S42A Report: Water quality, Issue 10.1

<sup>2</sup> S42A Report: Overall policy framework of the proposed Plan, Issue 1.3

<sup>3</sup> S42A Report: Overall policy framework of the proposed Plan, Issue 1.2

<b>Rules – Discharges to land</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
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### 5.3.1 Discharges to land other methods



The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M6, M7, M8, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, M22, M25, M26, M27 and M28.

### 5.3.2 Discharge of contaminants

#### ~~Rule R69: Minor contaminants – permitted activity~~ <sup>4</sup>

~~The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:~~

- ~~(a) the contaminant shall not enter water, and~~
- ~~(b) the contaminant shall not cause an adverse effect beyond the boundary of the **property**, and~~
- ~~(c) the contaminant is not a **hazardous substance**.~~

#### Rule R70: Cleanfill material – permitted activity

The discharge of **cleanfill material** onto or into land is a permitted activity, provided the following conditions are met:

- (a) the **cleanfill material** is not located within 20m of a **surface water body**, or **bore** used for water abstraction for potable supply, and
- (b) the **cleanfill material** is located to avoid being undermined or eroded by **natural processes** or being inundated from coastal or river flooding, and
- (a) the **cleanfill material** shall be 0.6m above the seasonally highest water table, and
- (b) the **cleanfill material** shall be managed (siting, design and operation) in accordance with Sections 5-8 in *A Guide to the Management of Cleanfills (2002)*, and
- (c) the volume of **cleanfill material** deposited at a **property** shall not exceed 100m<sup>3</sup>, and
- (d) the volume and origin of the **cleanfill material** and the date the material has been deposited on this **property**, is recorded using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and
- (e) the **cleanfill material** shall be **stabilised** and re-vegetated within six months of completion of the activity.

#### *Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

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<sup>4</sup> S42A Report: Water quality, Issue 10.2

### Rule R71: Pit latrine – permitted activity

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour from a new **pit latrine** is a permitted activity, provided that the following conditions are met:

- (a) the **pit latrine** is not located:
  - (i) within 50m of a **surface water body**, coastal marine area, **gully**, or **bore** used for water abstraction for potable supply, or
  - (ii) within a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b or Map 27c, or
  - (iii) where a sewer connection is available, and
- (b) the **pit latrine** shall be located in silty or clay soils, and
- (c) the bottom of the **pit latrine** shall be 0.6m above the seasonally highest water table, and
- (d) **stormwater** is prevented from entering the **pit latrine**, and
- (e) domestic **wastewater** in the **pit latrine** shall not accumulate to a level less than 0.3m of the original ground surface, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### *Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

### Rule R72: Composting toilets – permitted activity

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour from a **composting toilet** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur on the **property** where the **composting toilet** is located, and
- (b) the discharge has been aerobically composted for more than 12 months from the last addition of raw domestic **wastewater**, and
- (c) the discharge is not within 50m of a **surface water body**, the coastal marine area, **gully**, or **bore** used for water abstraction for potable supply, and
- (d) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

### Rule R73: Greywater – permitted activity

The discharge of **greywater** onto or into land and the associated discharge of odour is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the application rate of **greywater** shall not exceed a maximum daily volume of 2,000L, and
- (c) the discharge is not located within:
  - (i) 20m of a **surface water body** or the coastal marine area, or **bore** used for water abstraction for potable supply, or
  - (ii) 20m of the boundary of the **property**, unless the land application system consists of a pressure compensating drip irrigation system where the boundary set back is 5m, and
- (d) the discharge shall not pond on the surface of the ground or runoff from the discharge area, and
- (e) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### *Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

### Rule R74: Existing on-site wastewater systems – permitted activity

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour from an **on-site domestic wastewater treatment and discharge system** that exists at the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a permitted activity provided the following conditions are met:

- (a) the **on-site domestic wastewater treatment and discharge system** has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance or building consent approvals for the system or related changes to the connected dwelling, and
- (b) the volume of the discharge has not been increased beyond that approved as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and
- (c) the **on-site domestic wastewater treatment and discharge system** is:
  - (i) operated and maintained in accordance with the system design specification for maintenance or, if there is no design

specification, Section 6.3 and Appendices T and U of the *New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and

- (ii) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (d) the volume of domestic **wastewater** to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and
- (e) there is no direct discharge to groundwater, a **surface water body** or above ground level, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

**Rule R75: New or upgraded on-site wastewater systems – permitted activity**

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour from a new or upgraded **on-site domestic wastewater treatment and discharge system** is a permitted activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, coastal marine area, **gully** or **bore** used for water abstraction for potable supply, or

- (ii) 20m of the boundary of the **property** unless the land application system consists of a pressure compensating drip irrigation system where the boundary set-back is 5m, or
  - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, or
  - (iv) a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b or Map 27c, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NZS 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge shall not exceed 14,000L/week or a maximum daily volume of 2,000L, and
- (h) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (i) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (j) the following reserve areas shall be provided:
- (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
  - (ii) for pressure compensating drip irrigation systems, no reserve area is required, or
  - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

**Rule R76: New or upgraded on-site wastewater systems within community drinking water supply protection areas – controlled activity**

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour from a new or upgraded **on-site domestic wastewater treatment and discharge system** within a **community drinking water supply protection area** that is not permitted by Rule R75 is a controlled activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, coastal marine area, **gully** or **bore** used for water abstraction for potable supply, or
  - (ii) 20m of the boundary of the **property** unless the land application system consists of a pressure compensating drip irrigation system where the boundary set-back is 5m, or
  - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge does not exceed 14,000L/week or a maximum daily volume of 2,000L, and
- (h) the system is performing effectively, and the **sludge** and scum layers are not occupying more than one half of the system primary tank volume, and
- (i) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (j) the following reserve areas shall be provided:



- (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
  - (ii) for pressure compensating drip irrigation systems, no reserve area is required, or
  - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Matters of control*

1. Type and concentration of the contaminants in the discharge, and effects on **community drinking water supply** water quality
2. Travel time and path of contaminants from source to any **community drinking water supply** abstraction point
3. Treatment, design, maintenance and frequency of monitoring and maintenance inspections
4. Sampling of the discharge, on at least an annual basis, for biochemical oxygen demand, total suspended solids and *E.coli*
5. Risk of accident or an unforeseen event causing significant adverse effects on water quality

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

### 5.3.3 Biosolids

#### Rule R77: Application of Aa biosolids to land – permitted activity

The discharge of Aa grade **biosolids** onto or into land and the associated discharge of odour is a permitted activity, provided the following conditions are met:

- (a) the **biosolids** carry the registered Biosolids Quality Mark (BQM) accreditation, and
- (b) **biosolids** application rates shall not exceed a three-year average of 200kg total N/ha/year, or 600kg N/ha/year with no repeat within three years, and
- (c) soil pH where the **biosolids** are discharged is not less than pH 5.5, and
- (d) the discharge is not located within 20m of a **surface water body**, coastal marine area, **gully**, or **bore** used for water abstraction for potable supply, and

- (e) the discharge is not located within a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b, or Map 27c, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

**Rule R78: Application of biosolids (Ab, Ba, or Bb) to land – restricted discretionary activity**



The discharge of Ab, Ba or Bb grade **biosolids** onto or into land and the associated discharge of odour is a restricted discretionary activity, provided the following conditions are met:

- (a) the discharge is not located within a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b, or Map 27c, and
- (b) the discharge shall not result in the creation of **contaminated land**.

*Matters for discretion*

1. Application rate, volume and location including in relation to:
  - (i) presence of subsurface drainage
  - (ii) nutrient capacity of the soil
2. Effects on soil health
3. Storage period and volume for deferred application during periods of prolonged wet weather
4. Effects on groundwater quality
5. Set back distances from **surface water bodies**, coastal marine area, and water supply **bores**
6. Discharge of odour
7. Methods for the incorporation of **biosolids** into soil
8. Effects on soil pH
9. Nitrogen loading rate

*Notification*

In respect of Rule R78 applications are precluded from public notification (unless special circumstances exist).

### 5.3.4 Treated wastewater

#### Rule R79: Discharge of treated wastewater – controlled activity

The discharge of treated **wastewater** onto or into land, and the associated discharge of odour is a controlled activity, provided the following conditions are met:

- (a) the discharge is not located within a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b, or Map 27c, and
- (b) the discharge shall contain no more than 10% trade wastes based on daily dry weather flow, averaged over a calendar year, and
- (c) the discharge shall meet the following criteria:
  - (i) the concentration of soluble carbonaceous five day biochemical oxygen demand shall not exceed 30mg/L in more than eight out of 12 consecutive samples, or exceed 50mg/L in more than two out of 12 consecutive samples, and
  - (ii) the concentration of total suspended solids shall not exceed 50mg/L for more than eight out of 12 consecutive samples, or exceed 80mg/L in more than two out of 12 consecutive samples, and
- (d) the pathogen concentration in **wastewater** shall have been reduced to a level commensurate with its having been treated to a tertiary level before discharge for surface application and secondary level for subsurface irrigation, and shall not exceed an *Escherichia coli* (*E.coli*) concentration of 2,000cfu/100mL, and
- (e) the application method is either a subsurface or surface drip irrigation or **low pressure spray irrigation** system less than or equal to 1.5m above ground surface, and
- (f) the hydraulic loading rate shall not exceed 5mm/hr or 15mm per application event and can only occur when **soil moisture deficit** is greater than the application event, and
- (g) the **distribution uniformity** of the spray irrigation system shall be greater than or equal to 80%, with drip irrigation emitters at a minimum spacing of 0.6m x 1m, and
- (h) the application shall not result in significant ponding (areas of ponded effluent on the ground surface greater than 10m<sup>2</sup> for a period greater than 12 hours) or runoff (visible overland flow); and
- (i) the nitrogen loading rate of the **wastewater** applied shall not exceed the following limits for the specified land uses:

- (i) 150kg N/ha/year if mown without grass removal, or grazed, or
- (ii) 300kg N/ha/year if cut, harvested and removed, and
- (j) the phosphorus loading rate of the **wastewater** applied shall not exceed the following limits for the specified land uses:
  - (i) 30kg P/ha/year if mown without grass removal, or grazed, or
  - (ii) 50kg P/ha/year if cut, harvested and removed, and
- (k) the application must be onto actively growing vegetation which is not dormant. Application shall not be onto **fallow land** or areas that have no vegetative growth, and
- (l) for spray irrigation, the discharge is not located within:
  - (i) 50m of a **surface water body**, coastal marine area or **property** boundary, or
  - (ii) 150m of any **marae**, schools, shops, playgrounds, **bore** used for water abstraction for potable supply, places of work or residential dwellings not on the application **property**; and
- (m) for surface and subsurface drip irrigation, the discharge is not located within:
  - (i) 5m of a **surface water body**, coastal marine area or **property** boundary, or
  - (ii) 150m of a **bore** used for water abstraction for potable supply, and
- (n) there shall be a minimum depth to groundwater of at least 1m below the point of application, and
- (o) a **deficit irrigation** regime is used for the application of treated **wastewater** to land, and
- (p) the application of **wastewater** to land by spray irrigation shall have automated shut off controls so that there shall be no irrigation when the wind speed 10 minute average exceeds 6m/s, and
- (q) the normal droplet size delivered by **wastewater** irrigation shall not have a volume median diameter less than 1,700µm or an equivalent volume mean diameter, and
- (r) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Matters of control*

1. Provision of a Site Investigation and Design Report, which shall include as a minimum:
  - (i) the suitability of the soil to receive treated **wastewater**
  - (ii) how the discharge system is designed based on the soil characteristics to mitigate adverse effects on soils, ground and surface water
  - (iii) soil **saturated hydraulic conductivity** is shown to be greater than 10mm/hr
  - (iv) soil water holding capacity is shown to be greater than 30mm
  - (v) a map showing soil unit boundaries, soil textural and structural changes, and **high risk soils**
  - (vi) details of existing soil concentrations of nutrients and metals and an assessment of the potential cumulative effects of the proposed **wastewater** application including the addition of any other wastes or **fertilisers**
  
2. Provision of an Operation and Management Plan, which shall include as a minimum:
  - (i) a description of the discharge system, including a site map indicating the location of discharge infrastructure and monitoring sites
  - (ii) the intended operating and maintenance procedures, including how the system will be operated and maintained to meet the requirements of the conditions of the activity
  - (iii) measures to ensure that the **wastewater** being discharged is not odorous
  - (iv) on-site responsibilities, including operation of the discharge facility, operation of the soil moisture monitoring or balance system, operation during high winds
  - (v) key operational matters, including daily, weekly and monthly maintenance checks and keeping of a maintenance register to record the details of all maintenance events or any systems malfunction
  - (vi) details of signage warning of the public health risk of coming into contact with **wastewater**, particularly in publically accessible areas or where the application site borders a publically accessible area

- (vii) details of site induction procedures to warn any person that may come into contact with the **wastewater** about the potential risks of doing so
  - (viii) a contingency plan in the event of system malfunctions or breakdowns showing how adverse environmental and public health effects will be avoided
  - (ix) how changes in **wastewater** composition and volume are to be managed
  - (x) procedures for recording and responding to any complaints
  - (xi) procedures for the annual review of the Operation and Management Plan to incorporate any proposed changes to the management of the activities
3. Provision of a Monitoring and Reporting Plan, which shall include as a minimum monitoring procedures covering all aspects of the activity to demonstrate compliance with the conditions, including:
- (i) monitoring of the discharged **wastewater** quality for biological oxygen demand (five day), total suspended solids, total nitrogen, total phosphorus and *E. coli*
  - (ii) continuous flow monitoring of the discharged **wastewater**
  - (iii) soil moisture monitoring (if used rather than a daily water balance)
  - (iv) the intended programme for soil quality, chemical, hydraulic and structural monitoring, vegetation assessment, surface water quality monitoring, groundwater quality monitoring
  - (v) details of surface and groundwater monitoring to be undertaken
  - (vi) record keeping of the land application area used each day, application depth, managing a **deficit irrigation** system and climatic conditions
  - (vii) records of land management, including grazing and harvesting frequency, including dry matter and nutrient removal where appropriate
  - (viii) the location of monitoring sites detailed on site maps
  - (ix) details of the frequency of sampling and reporting
  - (x) measures to ensure reporting requirements are met
  - (xi) a record of all complaints received

- (xii) a record of infrastructure modifications
  - (xiii) details of who will undertake the monitoring and procedures to be used
4. Review of the conditions of consent, in accordance with Section 128 of the RMA, including for the purposes of assessing whether any **emerging contaminants** should be monitored in the soil, herbage or groundwater, taking into consideration the degree of certainty about the fate and risk to the environment from these contaminants.

*Notification*

In respect of Rule R79, applications are precluded from public notification (unless special circumstances exist).

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

**Rule R80: Discharge of treated wastewater – restricted discretionary activity**



The discharge of treated **wastewater** onto or into land, and the associated discharge of odour that does not meet the conditions of Rule R79 is a restricted discretionary activity provided the following conditions are met:

- (a) the application method is either a subsurface or surface drip irrigation or **low pressure spray irrigation** system, less than or equal to 1.5m above ground surface, and
- (b) the application must be onto **actively growing vegetation**. Application shall not be onto **fallow land** or areas that have no vegetative growth, and
- (c) a **deficit irrigation** regime is used for the application of treated **wastewater** to land, and
- (d) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Matters for discretion*

- 1. Effects on **community drinking water supply** water quality
- 2. Effects on domestic and **group drinking water supplies**
- 3. The proportion of trade waste the discharge contains
- 4. The quality of the discharge, including limits on:
  - (i) biological oxygen demand (five day), and
  - (ii) total suspended solids, and

- (iii) *Escherichia coli* (*E.coli*)
- 5. Hydraulic loading rate
- 6. **Distribution uniformity**
- 7. Nitrogen and phosphorus loading rates
- 8. Set back distances from waterbodies, the coastal marine area, water supply **bores**, **property** boundaries and other sensitive environments
- 9. Depth to ground water below the point of irrigation
- 10. Measures to minimise spray drift
- 11. Suitability of the soil to receive treated **wastewater**
- 12. Design of the discharge system based on the soil characteristics
- 13. Soil **saturated hydraulic conductivity**
- 14. Soil water holding capacity
- 15. Mapping of soil unit boundaries, soil textural and structural changes, and **high risk soils**
- 16. Details of existing soil concentrations of nutrients and metals and an assessment of the potential cumulative effects of the proposed **wastewater** application including the addition of any other wastes or **fertilisers**
- 17. Provision of an Operation and Management Plan
- 18. Provision of a Monitoring and Reporting Plan
- 19. Measures for monitoring **emerging contaminants**

*Notification*

In respect of Rule R80, applications are precluded from public notification (unless special circumstances exist).

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

### 5.3.5 Drinking water treatment plant waste

#### Rule R81: Drinking water treatment plant supernatant waste – controlled activity



The discharge of supernatant from a drinking water treatment plant onto or into land is a controlled activity, provided the following conditions are met:



- (a) the discharge is not located within 20m of a **surface water body**, the coastal marine area, **gully**, or **bore** used for water abstraction for potable supply, and
- (b) the base of the disposal area shall be 0.6m above the seasonally highest water table.

*Matters of control*

1. Effects on groundwater and **surface water bodies**
2. Discharge rate(s) of the supernatant

*Notification*

In respect of Rule R81, applications are precluded from public notification (unless special circumstances exist).

### 5.3.6 Fertiliser and animal effluent

#### Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity

The discharge of **fertiliser** onto or into land or into air is a permitted activity, provided the following conditions are met:

- (a) the discharge is not onto or into a **surface water body** or beyond the boundary of the **property** including as a result of wind drift, and
- (b) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and
- (c) for aerial discharges, the pilot shall record details of the following:
  - (i) locations of the discharge site, and
  - (ii) date of the discharge, and
  - (iii) type of **fertiliser** applied, and
  - (iv) daily flight logs, and
  - (v) verification of tracks flown, and
  - (vi) weather conditions at the time of discharge, and
  - (vii) a copy of the flight log is held by the operator and made available to the Wellington Regional Council upon request.

#### Rule R83: Discharge of collected animal effluent onto or into land – controlled activity

The discharge of collected **animal effluent**, including **sludge**, onto or into land and the associated discharge of odour from:

- (a) dairy farms,

- (b) piggeries,
- (c) poultry farms,
- (d) other premises involving the concentration of animals in a confined area

is a controlled activity, provided the following conditions are met:

- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, or
  - (ii) 20m of the boundary of the **property**, or
  - (iii) a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b or Map 27c, and
- (f) the discharge shall not pond on the surface of the ground or runoff from the discharge area, and
- (g) the **animal effluent** collection, storage and treatment facilities (including, sumps and ponds) are sealed. The permeability of the sealing layer shall not exceed  $1 \times 10^{-9}$  m/s, and
- (h) the capacity of the **animal effluent** storage and treatment facilities (including sumps and ponds) shall be sufficient to provide for deferred irrigation when the **field capacity** of the soil is exceeded, and
- (i) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Matters of control*

1. Effluent application rates and volume, including in relation to the infiltration rate and water storage capacity of the soil
2. Maximum herd size for the **property**
3. Nutrient loading rates
4. Design, volume, construction and maintenance of the collection (including **stormwater** collection), storage and discharge system
5. Effluent storage volume to allow for the deferred irrigation during periods of prolonged wet weather
6. Procedures for desludging the system and applying **sludge** to land
7. Odour mitigation methods

8. Contingency plans for prolonged wet weather, mechanical failure or other emergencies

#### *Notification*

In respect of Rule R83, applications are precluded from public notification (unless special circumstances exist).

#### Rule R84: Discharge of collected animal effluent to water – non-complying activity



The discharge of collected **animal effluent** into water is a non-complying activity.

#### Rule R85: Application of compost to land – permitted activity

The discharge of **compost** onto or into land, and the associated discharge of odour, is a permitted activity provided the following conditions are met:

- (a) the discharge is not located within 5m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the discharge shall not pond on the surface of the ground or run off from the discharge area, and
- (c) nitrogen loading on the discharge area from all sources is less than 150kg N/ha/year, and
- (d) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### *Note*

The manufacture and storage of **compost** is controlled by Rule R90.

#### Rule R86: Application of compost to land – restricted discretionary activity



The application of **compost** onto or into land and the associated discharge of odour into air that is not permitted by Rule R85 is a restricted discretionary activity.

#### *Matters for discretion*

1. Set-back distances from any **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply
2. Discharges to water-logged or flooded land
3. Nitrogen loading rates
4. Discharge of odour

### 5.3.7 Vertebrate toxic agents

#### Rule R87: Land-based discharge of vertebrate toxic agents – permitted activity

The discharge of **vertebrate toxic agents** onto or into land via land-based methods is a permitted activity, provided the following conditions are met:

- (a) the substance and application technique or method is approved for use by the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and
- (b) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply, and
- (c) where the **vertebrate toxic agent** is applied to public land, signs shall be placed for the duration of any residual effects of the pesticide at all public lines of approach to the discharge area. The signs shall identify the pesticide(s) applied, the date of application and the precautions, if any, that people using the area should take.

#### Rule R88: Aerial application of vertebrate toxic agents – controlled activity

The discharge of a **vertebrate toxic agent** onto or into land and where it may enter water by aerial application is a controlled activity, provided the following conditions are met:

- (a) the substance and the application technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and
- (b) the discharge is not onto a roof or other structure used to collect drinking water.

#### *Matters of control*

1. Advice and information to people and authorities in and adjacent to the application area, including flight paths and accidental discharge into water
2. Application methods, systems and management processes to prevent fugitive discharges and the recording of application areas
3. Navigational guidance systems

#### *Notification*

In respect of Rule R88, applications are precluded from public notification (unless special circumstances exist).

### 5.3.8 Refuse, silage and compost

#### Rule R89: Farm refuse dumps – permitted activity

The discharge of contaminants onto or into land, and the associated discharge of odour, from a new **farm refuse dump** is a permitted activity, provided the following conditions are met:

- (a) the contents of the **farm refuse dump** is from the **property** where the farm dump is located, and
- (b) the volume of a **farm refuse dump** shall not exceed 50m<sup>3</sup>, and
- (c) the **farm refuse dump** is located:
  - (i) on a **property** that is over 20ha, or
  - (ii) in silty or clay soils, or
  - (iii) where no kerbside community collection is available or the **property** is located more than 20km by road from a transfer station, and
- (d) the **farm refuse dump** is not located within:
  - (i) an area prone to flooding or ponding, or
  - (ii) 50m of a **surface water body**, coastal marine area, **gully**, **bore** used for water abstraction for potable supply, or boundary of the **property**, or
  - (iii) a **community drinking water supply protection area** as shown on Map 26, Map 27a, Map 27b, or Map 27c, and
- (e) the base of the **farm refuse dump** is 0.6m above the seasonally highest water table, and
- (f) the discharge does not contain:
  - (i) **hazardous substances**, or
  - (ii) **wastewater**, offal or dead animal matter, and
- (g) there is no burning of the contents of a **farm refuse dump**, and
- (h) the size and location is recorded, using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information made available to the Wellington Regional Council upon request, and
- (i) the **farm refuse dump** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion, and

- (j) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### Rule R90: Manufacture and storage of silage and compost – permitted activity

The discharge of contaminants onto or into land, and the associated discharge of odour, from the manufacture and storage of **silage** or **compost** is a permitted activity, provided the following conditions are met:

- (a) the manufacture and storage area shall not be located within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the discharge does not contain:
  - (i) **hazardous substances**, or
  - (ii) **wastewater**, offal or dead animal matter, and
- (c) **stormwater** is prevented from entering into the manufacture or storage area, and
- (d) the walls and floor of a **silage** storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water, and
- (e) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### *Note*

Permission may be required from the relevant city or district council in respect of other legislation or bylaws.

The discharge of **compost** to land is controlled by Rules R85 and R86.


#### Rule R91: Offal pit – permitted activity

The discharge of contaminants onto or into land, and the associated discharge of odour, from a new **offal pit** is a permitted activity, provided that the following conditions are met:

- (a) the **offal pit** shall only contain dead animal matter from the **property** where the **offal pit** is located, and
- (b) the **offal pit** shall not be located within:
  - (i) 50m of a **surface water body**, coastal marine area, **gully**, or **bore** used for water abstraction for potable supply, and
  - (ii) an area prone to flooding or ponding, and
- (c) the **offal pit** shall be located in silty or clay soils, and

- (d) the bottom of the **offal pit** is 0.6m above the seasonally highest water table, and
- (e) **stormwater** is prevented from entering the **offal pit**, and
- (f) the location is recorded, by GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and
- (g) the **offal pit** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion.
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

### 5.3.9 All other discharges

Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity 

The discharge of a contaminant onto or into land that occurs within a **community drinking water supply protection area**, and is not permitted under Rules R71, R75, R77, R78 or R89 is a restricted discretionary activity provided the following conditions are met:

- (a) any **pit latrine** must meet the conditions of Rule R71, except condition (a)(ii)
- (b) any new or upgraded on-site **wastewater** systems must meet the conditions of Rule R75, except condition (e)(iv)
- (c) any application of Aa **biosolids** to land must meet the conditions of Rule R77, except condition (e)
- (d) any application of **biosolids** (Ab, Ba, or Bb) to land, must meet the conditions of Rule R78, except condition (a)
- (e) any discharge of contaminants from a new **farm refuse dump** must meet the conditions of Rule R89, except condition (d)(iii).

*Matters for discretion*

1. Effects on **community drinking water supply** water quality

Rule R93: All other discharges to land – discretionary activity 

The discharge of contaminants onto or into land that are not permitted, controlled, restricted discretionary, or non-complying is a discretionary activity.