



Report 06.108
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Committee Environment Committee
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Regional Plan for Discharges to Land Evaluation

1. Purpose

To present to the Committee a review of the efficiency and effectiveness of policies, rules, and other methods in the Regional Plan for Discharges to Land for the Wellington Region.

2. Background

The Resource Management Act 1991 (RMA) requires regional councils to monitor the efficiency and effectiveness of policies, rules and other methods in regional plans, and take appropriate action where this is shown to be necessary. At least every five years, the regional council must compile and make available to the public a review of the results of its plan monitoring. The Regional Plan for Discharges to Land for the Wellington Region (the Plan) was made operative in December 1999.

3. Methods used and limitations of the evaluation

To assess the effectiveness of the Plan, information has been obtained from our regional plan method implementation records, state of the environment monitoring, the regional rule feedback intranet forum, pollution complaints, the resource consents database, and from Council files.

In the Regional Plan for Discharges to Land evaluation (the evaluation) we assessed the implementation of each method in the Plan and whether each policy (together with the methods) has contributed to achieving the objectives.

This evaluation, like the evaluation of the Regional Freshwater Plan presented to the Committee in April (Report 06.86), highlighted limitations in our ability to monitor the efficiency and effectiveness of our regional plan provisions.

Hill, Young and Cooper, an environmental consultancy, evaluated the effectiveness of the rules that required resource consents. One of their findings was that our consents and compliance database (COCO) did not contain sufficient information to allow the efficiency and effectiveness of regional plan rules to be assessed. Pollution complaints are recorded on the Incidents database, which has no links to COCO. Like COCO, the Incidents database was not set up to assess regional plan provisions. The Information Technology Department has now completed a review of the COCO database and a new integrated database is in the process of being designed.

With no specific monitoring programme for monitoring permitted activities we have little information on their effects, or whether people comply with them. Additional resources to address this limitation are proposed in the LTCCP.

4. Results of the evaluation

The Plan has objectives, policies, rules and other methods for five groups of contaminants – solid contaminants, liquid contaminants, agricultural contaminants, hazardous substances and site contamination. The Regional Plan for Discharges to Land evaluation will be tabled at the meeting. The key findings are as follows.

4.1 Solid contaminants (landfills)

The Plan has two objectives, 11 policies, two rules and 12 other methods to manage the discharges of solid contaminants to land.

Before the RMA was enacted, landfills were not required to have discharge permits. The transitional provisions of the RMA set out a timeframe for consenting all waste management facilities, and the Plan set out the policies and rules that would govern landfill consent requirements. Today all landfills have resource consents and are managed in accordance with national guidelines.

Other than the requirement for resource consents, improvements made in solid waste management have been largely in response to direction from the Local Government Act 1974, the New Zealand Waste Management Strategy (2002), and new programmes from central government like the Packaging Accord. Nevertheless, the Plan's policies and methods are consistent with these central government initiatives, which aim to reduce waste volumes sent to landfills and increase waste recycling and waste recovery programmes.

4.2 Sewage and other liquid contaminants

The Plan has two objectives, eight policies, six rules and eight other methods to manage discharges of liquid contaminants, including sewage, to land.

The Plan promoted more co-ordinated management of on-site sewage discharges between Greater Wellington and the territorial authorities. Working towards this, Greater Wellington staff have run seminars and workshops for territorial authority staff and on-site wastewater engineers, made submissions on district plans and subdivision consent applications, and produced brochures for homeowners and guidelines for system designers. These measures have improved the quality of systems installed with new developments, though the effects of these and older systems are still relatively unknown because our state of the environment monitoring network was not designed to assess the effects of on-site sewage discharges.

On-site sewage discharges are suspected to be the cause of bacteria and nutrient contamination of groundwater at Te Horo, coastal water at Pauatahanui, and surface water at Makara and Riversdale. We estimate that there could be around 10,000 on-site sewage systems in the region, and more investigation is needed to assess whether the rules are effective in managing the effects of discharges from them. A programme to monitor the performance of five on-site sewage systems at Riversdale was started in 2004 and some targeted monitoring is planned for 2006-2007.

The Ministry for the Environment is investigating the appropriateness of developing National Environmental Standards (NES) for managing on-site sewage systems. Any change to the rules in the Plan will need to take into account the results of the targeted monitoring, and any NES that are produced.

4.3 Agricultural contaminants

The Plan has one objective, five policies, four rules and ten other methods to manage discharges of agricultural contaminants to land.

More than half the resource consents issued under the Plan are for discharges of dairy shed effluent, granted under Rule 13 of the Plan as a Controlled Activity. The Plan encouraged the shift of these discharges from water to land by requiring them to be processed non-notified. Together with other incentives – lower monitoring costs and longer consent periods – the practice of discharging dairy shed effluent to rivers and streams has ended and the effects of dairy shed effluent on the environment has reduced.

Most dairy farms are in the Wairarapa Valley and on the Kapiti Coast. These areas are identified in the Plan as having groundwater that is vulnerable to contamination, but Rule 13 has no specific guidance about appropriate nitrogen loading rates. We will need to determine whether a replacement rule should include a standard for nitrogen loading in these areas, and work with Fonterra to investigate how best to accommodate the nutrient budgeting target from the Dairying and Clean Streams Accord.

We have little information about the effects of discharges of effluent from the eight piggeries in the region, all of which discharge to land. These discharges are capable of causing significant effects on groundwater and surface water and may be more effectively controlled by a separate rule with more specific guidance.

Rule 12 allows fertiliser applications as a permitted activity along with a requirement for Greater Wellington to investigate where fertiliser use may be contributing to nitrogen contamination of groundwater. This investigation will need to be done before options to change the rules governing agricultural effluent and fertiliser application are canvassed.

4.4 Hazardous substances

The Plan has two objectives, 17 policies, six rules and 11 other methods for avoiding, remedying or mitigating the effects of the use land for hazardous substances, and for avoiding, remedying or mitigating hazardous discharges.

The RMA requires regional councils to allocate land use responsibilities for controlling the effects of hazardous substances between themselves and the territorial authorities in regional policy statements. The Regional Policy Statement for the Wellington Region allocated responsibilities for developing objectives and policies to ourselves, with the responsibility for writing rules given to city and district councils. Accordingly, objectives, policies and methods were adopted in the Regional Plan for Discharges to Land, and these were intended to guide city and district councils on the rules they would adopt in their district plans, for example, where to locate petrol stations. The extent to which these policies have been taken into account in their resource consent decision-making cannot be determined.

Greater Wellington is not responsible for hazardous waste management, only for controlling discharges to the environment. Nevertheless, implementation work by Greater Wellington, such as funding the HazMobile and running *Take Charge*, is helping to reduce the potential effects from the inappropriate disposal of hazardous wastes.

4.5 Site contamination management

The Plan has three objectives, eight policies, two rules and six other methods to guide the management of contaminated land.

City and district councils have primary responsibility for managing contaminated land through their land use planning function. This allows them to control land uses to prevent or mitigate any adverse effects of the development, subdivision, or use of contaminated land. Greater Wellington controls all discharges to the environment, including discharges from contaminated sites. A change to the RMA in 2005 now allows regional councils to investigate land so that they can identify and monitor contaminated land.

Rules 21 and 22 of the Plan control discharges from contaminated land, but have proved difficult to apply in the field. It would be more straightforward if these regional rules were less prescriptive and applied to any discharges, with rules adopted in district plans, as they are in the Wellington City Council District Plan, to control land uses on contaminated land. Changes to Rules 21 and 22 may be able to be drafted once the upcoming National Environmental Standard for contaminated land has been finalised.

5. Implementing the findings

The evaluation of the Plan is a check on how well it is performing. In general, we have found that the Plan provisions are working well but with nearly six year's experience implementing the rules, it appears that almost all rules would benefit from at least minor changes. These changes will need to be considered when the Plan is formally reviewed, and are dependent on:

- additional work (monitoring and assessment) to determine whether the rules governing discharges from on-site sewage systems are effective, and whether we need to develop standards for nitrogen application rates in the rule for agricultural effluent discharges to protect areas where groundwater is vulnerable
- the content of upcoming National Environmental Standards for on-site sewage management and contaminated land
- the outcomes of the Regional Policy Statement review of land use control responsibilities for hazardous substances; and
- integrating the review with that of the Regional Freshwater Plan to reduce potential for overlaps.

During consultation on the Regional Policy Statement review, we will consult with staff from city and district councils about whether it is appropriate for policy guidance about land use controls on hazardous substances to remain with Greater Wellington. The Regional Policy Statement is timetabled for public notification in September 2007. We are required to begin the full review of the Regional Plan for Discharges to Land before December 2009, ten years after it became operative. This review fits well with accommodating the outcomes of policy decisions in the Regional Policy Statement.

6. Communication

The full version of the evaluation can be accessed on Greater Wellington's website and hard copies will be available for anyone who might request it.

7. Recommendations

It is recommended that the Committee:

1. **Receive the report; and**
2. **Note the contents.**

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