

## Applications for resource consent for discharge activity under Regulation 54(c) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

Parameters that need to be met to enable use of a 'Fast Track' consenting process to assess applications submitted for resource consent under Regulation 54(c) of the NES-F for discharges of sediment laden water from the erosion and sediment controls associated with earthworks and the discharges of stormwater / wastewater within 100m of a natural wetland (including any wetland in the Coastal Marine Area (CMA)), and otherwise meets relevant permitted activity provisions in the Auckland Unitary Plan (Operative in part (AUP(OP)))

For avoidance of doubt, the 'Fast Track' consent process to assess this nature of resource consent application can only relate to the construction of a residential dwelling, minor dwelling or accessory building(s) on existing lots. (*The 'Fast Track' consent process is not applicable to proposed new lots*). It must also have been demonstrated by the applicant that there will be either no adverse effects, or the applicant has provided sufficient information to demonstrate that there will be minimal adverse effects, resulting from any proposed discharge of the sediment laden water and/or stormwater and/or wastewater on the natural wetland.

Whilst 54(c) of the NES-F also addresses the taking, use, damming and diversion of water within, or within 100m setback from a natural wetland, the 'Fast Track' consenting process specifically addresses discharges of water.

To enable the 'Fast Track' consenting process to be utilised, each of the parameters under each discharge type as relevant must be met.

### Discharge of sediment laden water from the erosion and sediment controls associated with Earthworks:

1. All earthworks proposed must be permitted under both Chapters E11 and E12 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)) and Regulation 54(b) of the NES-F; and

2. The earthworks must be temporary in nature and the post-development flow regime must not affect the hydrological function of the natural wetland following completion of earthworks; and
3. The point of discharge is located any distance from a natural wetland and either:
  - a.
    - i. The natural wetland is located above the point of discharge; and/or
    - ii. The natural wetland is separated from the point of discharge by a topographical land feature that physically prevents any discharge from accessing the natural wetland (such as a barrier like a ridgeline or a watercourse that drains away from the natural wetland); and/or
    - iii. The natural wetland lies in a different catchment to the point of discharge.
  - b. Or alternatively, the discharge is located on land which is:
    - i. In excess of 20m from the natural wetland and the discharge point is located level with the natural wetland; or
    - ii. On land above the natural wetland; and
    - iii. The hydrological function of the natural wetland is not affected.

*And*

4. It has been demonstrated that the erosion and sediment controls proposed have been designed to meet Auckland Council Guidance Document 005, *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05).

### Stormwater:

1. The stormwater discharge is located any distance from a natural wetland and either:
  - a.
    - i. The natural wetland is located above the point of discharge; or
    - ii. The natural wetland is separated from the point of discharge by a topographical land feature that physically prevents any discharge from accessing the natural wetland (such as a

barrier like a ridgeline or a watercourse that drains away from the natural wetland); or

- iii. The natural wetland lies in a different catchment to the point of discharge.

b. Or alternatively, the discharge is located on land which is:

- i. In excess of 20m from the natural wetland and the discharge point is located level with the natural wetland; or
- ii. Above the natural wetland; and
- iii. The hydrological function of the natural wetland is not affected.

*And*

2. It has been demonstrated that all stormwater devices proposed have been designed in accordance with Auckland Council's Publication GD01.

*And*

3. It has been demonstrated that the proposed stormwater management device/s and their discharge points will be installed outside any area that is to be used for the treatment and disposal of wastewater.

*And*

4. No stormwater discharge must be allowed to flow onto, or have potential access to, the wastewater treatment plant, pump sump or disposal area where that may lead to the discharge of the stormwater or wastewater that will adversely affect the Natural Wetland.

*And*

5. All stormwater must be permitted under Chapters E8, E9 and E10 of the Auckland Unitary Plan (Operative in Part) (AUP(OP))

### Wastewater:

1. The wastewater discharge is located any distance from a natural wetland and either:

a. *'The natural wetland* is:

- i. Above the highest level of the wastewater disposal system; and/or

- ii. Separated from the wastewater disposal system by a topographical land feature that physically prevents any contaminants discharged from accessing the wetland (such as a barrier like a ridgeline or a watercourse that drains away from the wetland); and/or
  - iii. Lies in a different catchment to where the wastewater is discharged.
  
- b. Or alternatively, *‘the wastewater disposal field<sup>1,2</sup> is located on gently sloping land’* and is:
  - i. In excess of 20m from the natural wetland<sup>3</sup>; and
  - ii. In excess of TP58 setback distances to groundwater for the soil type and treatment standard (refer Table 5.2 TP58 attached)<sup>4</sup>; and
  - iii. On land (including the land downslope of the disposal field) that is effectively level with the wetland (being on land with a grade of 2.0 degrees or less ( $\leq 3.5\%$ )).
  
- c. Or alternatively, *‘the wastewater disposal field is located upslope of the wetland’* on land (including the land downslope of the disposal field) as follows:
  - Gentle slope (3-10 degrees) – setback **30m** from a natural wetland.
  - Moderate slope (11-20 degrees) – setback **50m** from a natural wetland.
  - Steep slope (21-25 degrees) – setback **70m** from a natural wetland.

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<sup>1</sup> NOTE 1 – A wastewater disposal field is a type of disposal system where wastewater is irrigated by pressure compensating drip irrigation lines (a PCDI disposal system). It does not include conventional trenches or beds or LPED type disposal systems.

<sup>2</sup> NOTE 2 – A PCDI disposal system requires that the wastewater is treated to an advanced secondary standard.

<sup>3</sup> NOTE 3 – The separation distance to the wetland is from the lowest point of the disposal field to the nearest edge outer most extent of the wetland as delineated by the natural wetland protocols in the NPS-FM 2020. <https://environment.govt.nz/publications/wetland-delineation-protocols/>.

<sup>4</sup> NOTE 4 – The separation distance to groundwater must be based on worst case wet winter not dry summer groundwater levels (the water table). In dry summer conditions worst case recurring winter groundwater levels can be determined by presence of grey-blue soil mottling features indicative of low oxygen soil conditions. Levels may also be equivalent to ponding winter surface water levels in the wetland if nearby.

*And*

2. It has been demonstrated that best practice conservative design approach for the site has been adopted. This must include:
  - Advanced secondary treatment standard and an OSET Performance Certificate for the treatment system that verifies treated wastewater OSET Grade A standards are achieved, in terms of BOD, TSS, Total Nitrogen and Ammonia levels; and
  - Conservative design methodologies suitable for the site constraints that promote nutrient mitigation, including those set out in Table 11.2 of TP58. The most applicable measures are summarised as follows:
    - Low loading rate for the soil type;
    - Planting to optimise evapotranspiration;
    - Maintenance Contract that includes 6 monthly line flushing and weed removal.

*And*

3. It has been demonstrated that the wastewater system has been designed in accordance with TP58 (subject to the above matters).

*And*

4. The wastewater discharge must be permitted under Chapter E5 of the Auckland Unitary Plan (Operative in Part) (AUP(OP))

### **Information Requirements:**

- a. *A topographical plan of the site shall accompany any application submitted and shall show site contours; the location of the building; including impervious areas (e.g. driveways) in relation to any natural wetland within 100m of the development; any points of water discharge, disposal areas; and the erosion and sediment control system/s associated with any proposed earthworks.*
- b. *Where applicable, a statement demonstrating that Soil and Erosion Controls proposed have been designed to meet Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).*
- c. *Where applicable, information to confirm that the council Building Consent Specialists in conjunction with the council Development Engineers have completed their assessment of the building consent application and confirmed that the Erosion and Sediment Controls meet the requirements of GD05; the stormwater devices meet the requirements of GD01; and the wastewater*

*system meets the requirements of TP58 (subject to the matters under 'Wastewater' above).*

- d. Where the 'Building Consent' has not been applied for sufficient information to demonstrate whether the relevant AUP(OP) permitted activity standards relating to land disturbance, wastewater disposal and stormwater disposal have been met.*
- e. Applicants have provided a completed 'self-certification' check list along with any application made under Regulation 54(c) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.*

**NB.** This NES-F 'Fast Track' consenting process could still be utilised when land use consent is also required for issues unrelated to the discharge/s requiring consent under NES-F provisions, such as the development infringes zone standards; such as yard setback. Please note that in such circumstances both the applicable fee deposit relating to the land use consent application and the reduced deposit relating to the Fast Track NES-F consent application will need to be paid.