

Attachment D: Rule assessment against Rules 5.98-5.100 of the LWRP

Rules	Activity	Assessment
Rule 5.98	Any discharge of water or contaminants onto or into land in circumstances where a contaminant may enter groundwater that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met: 1. The volume of the discharge does not exceed 10 m3 per day and the application rate does not exceed 10 mm per day; and 2. The discharge is not directly into groundwater; and 3. The discharge does not result in any overflow or runoff into any surface water body or onto neighbouring site; and 4. The discharge does not, in groundwater, render fresh water unsuitable or unpalatable for consumption by animals or humans; and 5. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope; and 6. The discharge does not occur when the soil moisture exceeds field capacity; and 7. The discharge is not from or into contaminated or potentially contaminated land; and 8. The discharge is not within (a) 50 m of a bore used for water abstraction; or (b) within a Community Drinking-water Protection Zone asset out in Schedule 1; and 9. Where the discharge is from the use of live ammunition associated with military training under the Defence Act 1990, conditions 1 to 8 do not apply.	Does not comply. The standards of Rule 5.98 are assessed below. 1. Does not comply. Where background concentrations allow, materials will be reused within the bund. Given this element will fluctuate in terms of daily volumes, compliance with the daily volume limit is assessed as being unable to comply as in some instances this will be exceeded. A precautionary approach has been adopted to accommodate an exceedance in daily volume. Reused material will be managed in accordance with the CSMP and the Environmental and Construction Management Plan. 2. Complies. The discharge of material will not intercept groundwater. 3. Complies. The material will not result in any overflow or runoff entering surface water. Reused material will be encapsulated within the bund and contained. 4. Complies. Reused material will not intercept groundwater and will therefore not render fresh water unsuitable for consumption by animals or humans. 5. Complies. The material discharge will be below background levels and placed within the bund according to management protocols. 6. Complies. The discharge will not be into wet ground. 7. Does not comply. The material proposed to be encapsulated is contaminated. 8. Complies. The discharge will not be within 50 m of a used bore or Community Drinking-water Protection Zone. 9. Not applicable. The proposal will not comply with Rule 5.98 of the LWRP. Resource consent will be required under Rule 5.100.
Rule 5.99	Any discharge of water or contaminants into surface water or onto or into land in circumstances where it may enter surface water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met: 1. The discharge is not from or into contaminated or potentially contaminated land; and 2. The discharge is not into a Natural State water body; and 3. The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and	Not applicable. No surface water in the vicinity of the project. The estuary is classified as the Coastal Marine Area.

<u>Rules</u>	<u>Activity</u>	<u>Assessment</u>
	4. The concentration of total suspended solids in the discharge shall not exceed: (a) 50 g/m³, where the discharge is to any Spring-fed River, Banks Peninsula River, or to a lake; or (b) 100 g/m³ where the discharge is to any other river or to an artificial watercourse; and 5. The discharge does not result in more than a 20% change in the rate of flow of the receiving surface water body; and 6. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope.	
Rule 5.100	Any discharge that is not permitted by either Rule 5.98 or 5.99 and is not classified by any other rule in this Plan is a discretionary activity.	Discretionary activity. The discharge of contaminants to land (reuse and encapsulation of material within the bund) is a discretionary activity under Rule 5.100.

Assessment of Effects – discharge of contaminants to land

Contaminated material will be encapsulated within the bund following site specific procedures set out in the relevant management plans under CCC's global NES CS resource consent and in accordance with site specific management plans, which will be developed for the project and submitted to consent authorities for certification prior to the commencement of works.

Materials will be clearly demarcated and wrapped and will not be deposited where water will mobilise contaminants. The actual and potential effects associated with encapsulation of materials within the bund are assessed as less than minor, when taking into account the mitigation proposed.