

Statutory Assessment

CANTERBURY LAND AND WATER PLAN

5.94A CONSTRUCTION-PHASE STORMWATER NOT DISCHARGED FROM A RETICULATED STORMWATER SYSTEM

The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, is a permitted activity, provided the following conditions are met:

1. The area of disturbed land from which the discharge is generated is less than:
 - a. 1000m² for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or
 - b. two hectares in any other location; and
2. The concentration of total suspended solids in the discharge shall not exceed:
 - a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or
 - b. 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply; and
3. The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than 1% of a flood event with an Annual Exceedance Probability of 20% (one in five-year event); and
4. The discharge is not from, into or onto contaminated or potentially contaminated land; and
5. The discharge does not contain any hazardous substance; and
6. The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.

5.94B The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, into a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, that does not meet one or more of the conditions of Rule 5.94A is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The actual and potential effects of the discharge on the quality of surface water, aquatic ecosystems, Ngāi Tahu cultural values; and
2. The actual and potential effects of the discharge on the quality and safety of human and animal drinking water; and
3. The actual and potential adverse environmental effects of the quantity of water to be discharged on the banks or bed of a waterbody or on its flood carrying capacity, and on the capacity of the network to convey that discharge; and
4. The potential benefits of the activity to the applicant, the community and the environment.

Assessment

The disturbed areas will be less than 2ha based on the earthworks phasing plan.
Construction stormwater will be discharged to land, and eventually to groundwater

therefore Conditions 2 and 3 are not relevant. No hazardous substances will be present on the site whilst the earthworks are in progress. However, the site has been identified under the NES-CS as being contaminated, and whilst it will be remediated, this will occur during the earthworks and therefore a precautionary approach has been taken and consent is sought for a **Restricted Discretionary Activity** under Rule 5.94B.

5.96 STORMWATER NOT DISCHARGED FROM A RETICULATED STORMWATER SYSTEM

The discharge of stormwater, other than into or from a reticulated stormwater system, onto or into land where contaminants may enter groundwater is a permitted activity, provided the following conditions are met:

1. The discharge is not from, into or onto contaminated or potentially contaminated land; and
2. The discharge:
 - a. does not cause stormwater from up to and including a 24 hour duration 10% Annual Exceedance Probability rainfall event to enter any other property; and
 - b. does not result in the ponding of stormwater on the ground for more than 48 hours, unless the pond is part of the stormwater treatment system; and
 - c. is located at least 1 m above the seasonal high water table (highest groundwater level (PC7)) that can be reasonably inferred for the site at the time the discharge system is constructed; and
 - d. is only from land used for residential, educational or rural activities; and
 - e. does not occur where there is an available reticulated stormwater system, except where incidental to a discharge to that system; and
 - f. is not from a system that collects and discharges stormwater from more than five sites.

5.97

The discharge of stormwater, other than from a reticulated stormwater system, into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.95 or Rule 5.96; and the discharge of stormwater or construction-phase stormwater into a reticulated stormwater system that does not meet the condition of Rule 5.93A; is a discretionary activity.

Assessment

The discharge of operational stormwater to land will be from a contaminated site (albeit that it will be remediated), a precautionary approach has been taken, and occurs where there is an available reticulated stormwater system, therefore it is a **Discretionary Activity**.

EARTHWORKS OVER AQUIFERS

5.175

The use of land to excavate material is a permitted activity, provided the following conditions are met:

1. n/a
2. Over an unconfined or semi-confined aquifer:
 - a. n/a
 - b. the volume of material excavated is more than 100 m³ and:

- i. there is more than 1 m of undisturbed material between the deepest part of the excavation and the seasonal high-water table (highest groundwater level (PC7)) level; and
- 9. the excavation does not occur within 50m of any surface waterbody.

ASSESSMENT

It is proposed to excavate 36,300m³ of earth but there will be more than 1m of undisturbed material between the deepest part of the excavation and the seasonal high-water table (highest groundwater level (PC7)) level. The earthworks will not occur within 50m of any surface waterbody. Therefore, the proposed earthworks are a **Permitted Activity**.

5.177

The use of land for the filling of more than 50m³ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the seasonal high water table (highest groundwater level (PC7)) is less than 5m below the deepest point in the excavation, (and the associated discharge of contaminants onto or into land where it may enter water) (PC7)) is a controlled activity, provided the following conditions are met:

1. The material is only cleanfill; and
2. The volume of vegetative matter in any cubic metre of material deposited does not exceed 3%; and
3. The material is not deposited into groundwater (placed in the land at least 1 m above the highest groundwater level at the site) (PC7)); and
4. Any cured asphalt deposited is placed in the land at least 1 m above the highest groundwater level expected at the site; (The material is not concrete slurry, coal tar or hydro-excavated waste) (PC7)); and
5. The material is not deposited onto or into land that is listed as an archaeological site; and
6. A management plan has been prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.
7. A site rehabilitation plan has been prepared for the site and is submitted with the application for resource consent (PC7).

The CRC reserves control over the following matters:

1. The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands and mitigation measures; and
2. The content and adequacy of the management plan prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.
3. The content and adequacy of the site rehabilitation plan to address any adverse effects after the deposition of material is completed (PC7).

5.178

The use of land for the deposition of more than 50m³ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the seasonal high water table (highest groundwater level (PC7)) is less than 5 m below the deepest point in the excavation, (and the associated discharge of contaminants onto or into land where it may enter water) (PC7)) that does not comply with the conditions of Rule 5.177 is a restricted discretionary activity.

ASSESSMENT

The land will not be excavated to a depth in excess of 5m below the natural land surface, therefore the disposition of material on the site is a **Permitted Activity**.

CANTERBURY REGIONAL AIR PLAN

Dust discharge during construction and earthworks

7.32

The discharge of dust to air beyond the boundary of the *property* of origin from the construction of buildings, land development activities, unsealed surfaces or unconsolidated land, is a permitted activity provided the following conditions, where applicable, are met:

1. The building to be constructed is less than 3 stories in height, or where the building is greater than 3 stories in height, a dust management plan is prepared in accordance with [Schedule 2](#) and implemented by the person responsible for the discharge into air; and
2. The area of unsealed surface or unconsolidated land is less than 1000m², or where the area of unsealed surface or unconsolidated land is greater than 1000m² a dust management plan is prepared in accordance with [Schedule 2](#) and implemented by the person responsible for the discharge into air; and
3. The discharge does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with [Schedule 2](#).

ASSESSMENT

A dust management plan will be prepared to ensure that the discharge does not cause an offensive or objectionable effect beyond the boundary of the site. The discharge of dust is therefore considered to be a **Permitted Activity**.

Diesel Generator – Operated for peak load management and emergencies

7.28

The discharge of contaminants into air from the internal combustion of diesel, petrol, liquefied petroleum gas or compressed natural gas in any stationary large scale fuel burning device with a combined net electrical output capacity not greater than 300kW and that is for the purpose of emergency electricity generation, maintenance and peak electricity network load management, is a permitted activity provided the following conditions are met:

1. Emergency electricity generation occurs on the same property as it is used and the electricity is not distributed to any external network electricity grid; and
2. If the discharge occurs more than 50m from a sensitive activity, it is through an emission stack with a height of at least 3m above ground level; and
3. If the discharge occurs within 50m of a sensitive activity, it is through an emission stack with a height of at least 3m above ground level, and above the roof of any building, land or other structure within 15m of the stack, unless the building, land or structure is on a different property to the stack and was not established nor had building consent or resource consent granted at the time the stack was established; and

4. The discharge is directed vertically into air and is not impeded by any obstruction above the emission stack which decreases the vertical efflux velocity below that which would occur in the absence of such obstruction; and
5. The sulphur content of the fuel burnt does not exceed 0.005% by weight; and
6. The discharge can occur for maintenance and peak electricity network load management for a total of 500 hours per calendar year; and
7. Within the 500 hours per calendar year set out in condition 6 above, no more than 300 hours per calendar year can be for the purpose of peak electricity network load management; and
8. Except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge is not darker than Ringelmann Shade No. 1, as described in Schedule 6; and
9. The fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment and a copy of each maintenance report is held for three years and made available to the CRC on request.

7.30

The discharge of contaminants into air from the internal combustion of fuel in any large-scale fuel burning device that does not comply with one or more of the conditions of Rules 7.26 to 7.29 or that is not otherwise managed by a rule in this Plan, is a discretionary activity.

ASSESSMENT

The diesel generator on the site will meet the conditions under Rule 7.28 as assessed by Powell Fenwick (refer to **Appendix X**) and is therefore a **Permitted Activity**.