

Proposed Natural Resources Plan for the Wellington Region

**Right of Reply
For Hearing Stream 6
Report date: 05 October 2018**

**Topic: Contaminated land and hazardous
substances**

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1. Introduction and scope

1. My name is Barry Loe. I wrote the s42A Officer's Report: Contaminated land and hazardous substances dated 04 May 2018, released in advance of Hearing Stream 6. My qualifications and experience are set out in section 2 of that report.
2. This Right of Reply responds to matters raised by submitters and the Hearing Panel in relation to Hazardous substances and contaminated land since the s42A Officer's Report: Contaminated land and hazardous substances was released. Where I include recommendations in this Right of Reply, they replace the recommendations I made in my s42A Officer's Report; otherwise, I stand by the recommendations made in my s42A Officer's Report.
3. Appendix A lists my recommended amendments, and an assessment under s32AA. Changes that I recommend as a result of this Right of Reply are shown in **blue text** that is underlined or ~~struck-out~~. Original recommendations from the s42A Report that I continue to support are shown in **red text** that is underlined or ~~struck-out~~.

2. Objective O43

4. Objective O43 sets the outcome sought by the proposed Natural Resources Plan (proposed Plan) for contaminated land. In the proposed Plan, as notified, Objective O43 is in section 3.9 Soil. As explained in the s42A report Contaminated land and hazardous substances, paragraphs 85 to 87, the Wellington Regional Council's (the Council's) functions in respect of contaminated land is to identify this land, and control the discharge of contaminants to land, air and water from contaminated land.
5. The Oil Companies (S55) and Power Co (S29) proposed that Objective O43 be relocated to section 3.11 Discharges. The Panel asked whether Objective O43 would be more appropriately located under its own heading of Contaminated land. The recommendation in the s42A report is to amend Objective O43 to focus on the effects of discharges from contaminated land. It is also recommended to amend Objective O51 relating to the discharge of hazardous substances to connect this to the need to avoid creating

contaminated land. Locating Objective O43 and Objective O51 together in section 3.11 Discharges would more clearly focus the relationship between these two objectives.

6. The Oil Companies (S55) and Power Co (S29) also recommended further amendment to Objective O43, to include the word 'significant' in respect of adverse effects. While I support an amendment that establishes a threshold of adverse effects, below which discharges from contaminated land will not pose a threat to the environment, I consider that a threshold of 'significant' adverse effects is too high to be the outcome sought from the proposed Plan. The threshold should be set at 'minor' adverse effects. This is the threshold that is generally used in the RMA to allow some adverse effect from an activity. The discharges from adverse effects from contaminated land, while a consequence of historic land use practices, are still subject to Part 2 of the RMA, and adverse effects of discharges from contaminated land can be avoided, remedied or mitigated.

Recommendations

7. Relocate and renumber, as necessary, Objective O43 to follow Objective O51 in section 3.11 Discharges, and
8. Amend Objective O43 as follows:

Objective O43

~~Contaminated land is managed to protect human health and the~~ The environment is protected from the more than minor adverse effects of discharges from contaminated land.

3. Contaminated land in the CMA

9. Contaminated land can occur within the coastal marine area (CMA), and Council has several areas of land registered on the Selected Land Use Register (SLUR) that are located in the CMA. The principles of site investigation can be applied to land in the CMA. Discharges from contaminated land that is adjacent to the CMA may enter water in the CMA. The NZCPS contains policies relating to contaminated land. These are;

NZCPS Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by: ...

(x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

NZCPS Policy 23 Discharge of contaminants...

(5) In managing discharges from ports and other marine facilities:

(b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats; ...

10. The proposed Plan rules relating to the identification of, and discharges from, contaminated land should apply in the CMA, to ensure the NZCPS is given effect to, and to make it clear that the Council has responsibility to control the discharge of contaminants in, or that may enter, the CMA. The submission from the Minister of Conservation (S75) seeks that the proposed Plan gives effect to the NZCPS, and this will be assisted by the application of Rule R54, Rule R55 and Rule R56 in the CMA.

Recommendation

11. That the Coastal icon is inserted for Rule R54, Rule R55 and Rule R56.

4. RPS direction specifically to contaminated land and hazardous substances in the CMA

12. RPS Policy 63 allocated the responsibilities for developing objectives, policies and rules for managing hazardous substances in the CMA to the Regional Council. There are no objectives or policies in the RPS that specifically address the management of contaminated land in the CMA.
13. As the Resource Legislation Amendment Act (RLAA) 2017 amendments to the Resource Management Act 1991 (RMA) that removed the control of land for storage, use, disposal or transportation of hazardous substances as an explicit

function of regional and district councils, does not amend the RPS, these responsibilities nominally remain, but will be removed with changes or variations to the RPS, regional and district plans made after the 2017 amendments.

14. The RLAA amendments have not altered the Regional Council's responsibility under RMA s30(1)(ca) to identify and monitor contaminated land and control discharges of contaminants in the CMA.

5. Definition of contaminated land

15. The amendments recommended in the s42A report Contaminated land and hazardous substances to delete the definition of contaminated land will ensure that there is consistency between the terms used in the proposed Plan and in the RMA. All references in the proposed Plan to 'contaminated land' will, in accord with the explanation in Section 2.2, mean the same as the RMA definition.

6. Rule R42(a)

16. In the S42A Report: Water quality, Issue 10.2 Rule R69 is recommended to be combined with Rule R42 and Rule R69 deleted. Rule R69 Condition (a) was brought across to Rule R42 in RoR Report: Water Quality (Michelle Conland), but the condition was amended slightly in the transition from 'the contaminant is not a hazardous substance' in Rule R69 to 'the discharge is not a hazardous substance' in Rule R42.
17. As the rule is authorising a discharge of contaminants, it is appropriate to limit the contaminants authorised. The discharge itself will not be a hazardous substance.

Recommendation

18. Amend Rule R42 as follows:

Rule R42: Minor discharges – permitted activity

The discharge of a contaminants into water, or onto or into land where it may enter water that is not ~~permitted, controlled, restricted discretionary, discretion, non-complying or prohibited specifically provided for~~ by any other rule in this Plan is a permitted activity provided the following conditions are met:

(a) The discharge contaminant is not a hazardous substance.**7. Active and passive discharges of hazardous substances**

19. The Oil Companies (S55) and Power Co (S29) sought amendments to Policy P89: Discharges from contaminated land and Policy P90: Discharges of hazardous substances, that would differentiate the 'active' discharge of a hazardous substance e.g. pesticide spraying, from the 'passive' discharge of a hazardous substance from contaminated land e.g. chemicals in land leaching to water at a former timber treatment site. There is a high level of control possible over the 'active' discharge, while the 'passive' discharge may not be able to be practically or technically controlled.
20. The approach taken in the s42A Report recommendations for Policy P89 and Policy P90 is that the adverse effects of the 'active' discharge of hazardous substances are to be avoided, while the significant adverse effects of the 'passive' discharge are avoided to the extent practicable. The submitters suggested that the difference between the management of these two situations is not reflected in the policies. The rules to manage these discharges also reflect the differing approach. The consent status for a discharge from contaminated land into water that is not a permitted activity (Rule R55) is a discretionary activity (Rule R56), while the discharge of a hazardous substance onto land that is not a permitted activity, is a non-complying activity (Rule R57).
21. I agree with the submitter that the distinction between passive and active discharges should be clear in the policies and reflect the reduced ability to control the discharge from contaminated land.

Recommendation

22. Amend Policy P89 and Policy P90 as follows:

Policy P89: Discharges from contaminated land

The discharge of **hazardous substances** from contaminated land ~~contaminated land, including closed landfills~~, is managed minimised so that ~~the~~ significant adverse effects on fresh water, including groundwater, coastal water, and air ~~is minimised~~ are avoided, remedied or mitigated to the extent practicable.

Policy P90: Discharges of hazardous substances

The adverse effects of the discharge of **a hazardous substances** (excluding a discharge subject to Policy P89) to land (~~including accidental discharges~~), fresh water, including groundwater, ~~or~~ coastal water or air ~~from the use, storage and transport of hazardous substances~~ shall be ~~avoided managed by the use of good management practices~~.

8. Rule R55

23. The Oil Companies (S55) and Power Co (S29) in evidence to Hearing 6 sought further amendments to the s42A Report recommendations for Rule R55. The amendments seek to remove a conjunctive word between condition 3(a) and 3(b), and to allow the discharge from contaminated land that is located in a Community Drinking Water Supply Protection Area (CDWSPA) to be a permitted activity provided the concentration of contaminants in groundwater does not exceed 50% of the maximum acceptable value in the New Zealand drinking water standards. The s42A Report recommendation is that the discharge from contaminated land in a CDWSPA for both surface water and groundwater sourced supplies is not a permitted activity, and requires resource consent as a discretionary activity under Rule R56.
24. I agree the conjunction between 3(a) and 3(b) and 4 should be removed as the clauses are independent. The s42A recommended amendments to Rule R55 set limits on effects in both groundwater (condition (3)a) and surface water quality (condition (3)b). These limits are to be achieved at the property boundary or within 50 metres of the source of the discharge. The groundwater quality limits are the maximum acceptable value in the New Zealand drinking water standards, and the surface water quality limits are the ANZECC water quality guidelines to protect 90% of species. The further amendment proposed by the submitters would tighten the limits within a CDWSPA for groundwater, as the quality limits would have to be complied with without allowing any mixing. I consider that the drinking water quality limits should apply to surface water as well as groundwater, in a CDWSPA.
25. Should the conditions be complied with the adverse effects of the discharge would be minor. If the conditions are not complied with, resource consent would be required. Given the circumstances surrounding 'passive' discharges from contaminated land I consider this is a reasonable approach, allowing

discharges that do not threaten a community drinking water supply, to be a permitted activity in a CDWSPA.

Recommendation:

26. Amend Rule R55 as follows:

Rule R55: Discharges from contaminated land – permitted activity

~~The discharge of a contaminants onto or into land from contaminated land where the discharge a contaminant may enter water is a permitted activity provided the following conditions are met:~~

~~(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and~~

~~(b) the site investigation report concludes that:~~

~~(i) the concentration of contaminants in groundwater meets the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* for potable water for 90% of species, and~~

~~(ii) the concentration of contaminants in groundwater, at the **property** boundary, or at the location of existing **bores**, or at any point where the groundwater exits to the surface meets the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 95% of species.~~

The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:

(a) A detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R54; and

(b) The detailed site investigation report concludes that the discharge of contaminants is highly unlikely to be a risk to human health or the environment at present or in the future; or

(c) The detailed site investigation report and water quality monitoring demonstrates that the discharge from **SLUR Category III land** does not, or is not likely to, result in:

(i) groundwater quality exceeding the maximum acceptable value in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)*;

(1) at the **property** boundary, or within 50 metres from the source of the discharge, whichever is the lesser distance; or

(2) in an existing **bore** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring; ~~or~~

(ii) water quality in a **surface water body** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, exceeding the *Australian and New Zealand Environment and Conservation Council*

(ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 90% of species; and
(4) c. the water quality exceeding 50% of the maximum acceptable value in the Drinking-Water Standards New Zealand 2005 (Revised 2008) where the **SLUR Category III land is not located within a community drinking water supply protection area shown on Maps 26, 27a, 27b, or 27c.**

9. Genetically modified organisms (GMO)

27. The submission of GE Free New Zealand (S139) sought that Objective O51 include reference to 'new organisms', and that a new category, 'emerging issues' be added to the proposed Plan. The submission did not include any further details of the relief sought. The submitter presented detailed amendments requested to the proposed Plan at Hearing Stream 6, including provisions adapted from the Auckland Unitary Plan. The submitter also referred to the 2016 High Court decision which upheld Northland Regional Council's rights to decide whether to manage genetically modified organisms in the region through the RMA.
28. The changes sought by GE Free New Zealand at HS6 appear to extensively exceed their original submission, so in my opinion, much of what was sought at the hearing was beyond the scope of the submission. The submission did, however, seek to introduce an outcome to Objective O51 relating to new organisms, and used the examples from Northland and Auckland regions to justify the relief sought.
29. The Northland Regional Policy Statement 2016 includes objective and policies relating to genetic engineering. These provisions became operative in June 2018. There are currently no provisions in Northland Regional Plans that control genetic engineering activities. The Auckland Unitary Plan is a combined Regional Policy Statement, Regional and District (Unitary) Plan, that contains Regional Policy Statement provisions relating to GMO, and Unitary Plan provisions for the management of GMO, that give effect to the Auckland RPS.
30. The process for development of provisions relating to managing GMO is through the regional policy statement and then regional and district plans

provisions. The Wellington Regional Policy Statement does not include any objectives or policies relating to genetic engineering or GMO. While the Wellington Region could, in future, decide to include such provisions in the RPS, regional and district plans, the process to do this has not been undertaken. Therefore, in my opinion that it would be premature for the proposed Plan to include provisions relating to GMO.

10. Amendments to legislation 2017

31. As stated in the s42A report Contaminated land and hazardous substances (paragraphs 24 to 31), the Resource Legislation Amendment Act 2017 (RLAA) repealed RMA Section 30(1)(c)(v), amended section 30(1)(d)(v), and repealed Section 31(1)(b)(ii). These amendments remove the control of hazardous substances as an explicit function of both regional and district councils. Councils will no longer have an explicit obligation to regulate hazardous substances in RMA plans, or policy statements. The intent of this change is to remove the perception that councils must always place controls on hazardous substances under the RMA, and to ensure councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA, that are not covered by the HSNO or HSW Acts.
32. The 2017 amendments to the RMA don't apply to the proposed Plan because it was notified before the amendments. The transitional provisions of the RLAA state that the proposed Plan should be determined as if the amendments made by the RLAA 2017 had not been enacted.
33. Although the 2017 amendments don't apply to the proposed Plan, the approach taken in the objectives, policies, rules and other methods is consistent with the amended functions, and focuses on functions relating to contaminated land and control of discharges of contaminants to land, water and air.

Appendix A: s32AA Table: Contaminated land and hazardous substances

This table sets out only the provisions of the notified proposed Plan on this topic **for which submissions were specifically received**. This table does not include provisions for which no specific submissions were received but that may be affected by consequential amendments. Where the officer has recommended amendments, these are set out below. Additions to the notified text are in underline and deletions are ~~strike through~~ text. The section 32AA assessment follows alongside for each of the provisions where amendments have been recommended by the officer. If the officer does not recommend any changes, the provision appears in grey.

Red text amendments = recommendations from the officer's s42A report

Blue text amendments = updated recommendations from the officer's Right of Reply

Note that requests for **new** provisions are not included in these tables.

Amendment No./Submission point No.	Chapter	Provision	Requested amendment	Evaluation of amendment (Section 32AA assessment)
S29/061 S55/070	2	Contaminated land	<p>Land that has a hazardous substance in or on it that—</p> <p>(a) has significant adverse effects on the environment; or</p> <p>(b) is reasonably likely to have significant adverse effects on the environment.</p> <p>Note: Contaminated land means the same as Category III Contamination Confirmed land in the Selected Land Use Register for the Wellington Region.</p>	<p>Effectiveness and efficiency: Deleting the definition is the most effective efficient way to resolve the confusion created by the definition.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be less reliant on interpretation.</p>

				<p>Risk of acting or not acting: The risk of not acting is moderate, as the Plan definition creates confusion for the implementation of the provisions.</p> <p>Decision about most appropriate option: I consider that deleting the definition will make the Plan more efficient and effective.</p>
S29/061 S55/070	2	<u>SLUR Category III land</u>	<u>Land classified as Category III in the Selected Land Use Register (SLUR) for the Wellington Region, being land where there is evidence that the land has a hazardous substance in or on it that has, or is reasonably likely to have, significant adverse effects on the environment.</u>	<p>Effectiveness and efficiency: The new definition identifies the specific class of contaminated land where discharges will be controlled by Plan provisions, and distinguishes this land from other classes of contaminated land. The use of the new definition will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting: The risk of not acting is moderate, as the amendment will direct the Plan provisions to land</p>

				<p>which is confirmed to be contaminated.</p> <p>Decision about most appropriate option: I consider that the new definition will make the Plan more efficient and effective.</p>
<p>S29/061 S55/070 S140/024 S145/024 S146/062</p>	3	Objective 43	<p>Contaminated land is managed to protect human health and the <u>The environment is protected from the more than minor</u> adverse effects of discharges from contaminated land.</p>	<p>Effectiveness and efficiency: The amendment to the objective will better express the outcome sought by the Plan for discharges from contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The outcome sought by the Plan is more clearly expressed.</p> <p>Risk of acting or not acting: The risk of not acting is low, as the amendment is for clarity.</p> <p>Decision about most appropriate option: I consider that amending the objective is the appropriate option to make the Plan more efficient and effective.</p>
<p>S29/061 S279/061</p>	3	Objective 51	<p>The <u>environment is protected from the adverse effects of</u> discharges of hazardous substances is managed to protect human health, property</p>	<p>Effectiveness and efficiency: The amendment to the objective will better</p>

<p>S55/070 S125/009</p>			<p>and the environment <u>and the creation of contaminated land is avoided.</u></p>	<p>express the outcome sought by the Plan for discharges of hazardous substances and the avoidance of contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The outcome sought by the Plan is more clearly expressed.</p> <p>Risk of acting or not acting: The risk of not acting is low, as the amendment is for clarity.</p> <p>Decision about most appropriate option: I consider that amending the objective is the appropriate option to make the Plan more efficient and effective.</p>
<p>S29/061 S55/070 S145/046 S146/121</p>	<p>4</p>	<p>Policy 89: Discharges from contaminated land</p>	<p>The discharge of hazardous substances from <u>contaminated land</u> contaminated land, including closed landfills, is managed <u>minimised</u> so that the significant adverse effects on fresh water, including groundwater, coastal water, and air is minimised <u>are avoided, remedied or mitigated to the extent practicable.</u></p>	<p>Effectiveness and efficiency: The amendment to the policy will better express the direction of action to be implemented by the Plan for discharges of hazardous substances from contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p>

				<p>Benefits (environmental, economic, social, and cultural): The directive of the Plan is more clearly expressed.</p> <p>Risk of acting or not acting: The risk of not acting is low, as the amendment is for clarity.</p> <p>Decision about most appropriate option: I consider that amending the policy is the appropriate option to make the Plan more efficient and effective.</p>
S279/125	4	Policy 90: Discharges of hazardous substances	<p>The <u>adverse effects of the</u> discharge of a hazardous substances <u>(excluding a discharge subject to Policy P89)</u> to land (including accidental discharges), fresh water, including groundwater, or coastal water or air from the use, storage and transport of hazardous substances shall be <u>avoided managed by the use of</u> good management practices.</p>	<p>Effectiveness and efficiency: The amendment to the policy will better express the direction of action to be implemented by the Plan for discharges of hazardous substances.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The directive of the Plan is more clearly expressed.</p> <p>Risk of acting or not acting: The risk of not acting is low, as the amendment</p>

				<p>is for clarity.</p> <p>Decision about most appropriate option: I consider that amending the policy is the appropriate option to make the Plan more efficient and effective.</p>
S29/061 S55/070	4	Policy 95: Discharges to land	<p>The discharge of contaminants to land shall be managed by:</p> <p>...</p> <p>(b) avoiding discharges that would create contaminated land <u>contaminated land</u>, and</p>	<p>Effectiveness and efficiency: The amendment identifies that the policy is directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting: The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option: I consider that the amendment is the most</p>

				appropriate action to make the Plan more efficient and effective.
	5	Rule R42: Minor discharges – permitted activity	<p>The discharge of <u>a</u> contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited <u>specifically provided for</u> by any other rule in this Plan is a permitted activity provided the following conditions are met:</p> <p><u>(a) The discharge contaminant is not a hazardous substance.</u></p>	<p>Effectiveness and efficiency: This more consistent wording makes the proposed Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): There is a minor benefit to using the more correct wording.</p> <p>Risk of acting or not acting: Not acting would leave this rule less clear and consistent than it could be – I consider this risk to be very low.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
S29/061 S55/070	5	Rule 48: Stormwater from an individual property –	<p>The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property is a permitted activity, provided the following conditions are met:</p> <p>...</p>	<p>Effectiveness and efficiency: The amendment identifies that the policy is directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more</p>

		permitted activity	(b) the discharge is not from, onto or into contaminated land <u>SLUR Category III land</u> , and	<p>efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting: The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
S29/061 S55/070	5	Rule 49: Stormwater to land – permitted activity	<p>The discharge of stormwater onto or into land, including where contaminants may enter groundwater, from an individual property is a permitted activity provided the following conditions are met:</p> <p>(a) the discharge is not from, onto or into contaminated land <u>SLUR Category III land</u>, and</p> <p>...</p>	<p>Effectiveness and efficiency: The amendment identifies that the policy is directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural):</p>

				<p>No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting: The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
S55/050 S81/026	5	Rule 54: Detailed Site investigation-permitted activity	<p>Rule R54: <u>Detailed Site</u> investigation – permitted activity</p> <p>The use of land to <u>undertake a detailed site investigation of assess the concentration of hazardous substances that may be present in the contaminated land</u>, and any associated discharge into air is a permitted activity, provided the following conditions are met:</p> <p>(a) the <u>assessment investigation</u> is undertaken <u>by a suitably qualified and experienced practitioner and</u> in accordance with <i>Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)</i>, and</p> <p>(b) the <u>assessment investigation</u> is reported in accordance with the <i>Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)</i>, and</p> <p>(c) <u>the investigation results in a report certified by the practitioner</u> is provided to the Wellington Regional Council <u>within</u> two months</p>	<p>Effectiveness and efficiency: The amendment to the rule will improve the effectiveness and efficiency of the control of the activity being authorised, and better enable the Council to undertake its function in respect of contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural):</p>

			<p>after following the completion of the assessment investigation.</p>	<p>The Plan provisions will be clearer and more direct.</p> <p>Risk of acting or not acting: The risk of not acting is low to moderate, as the amendment is to improve the certainty of the rule and its implementation.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
<p>S55/051 S85/020 S85/021 S136/010 S146/152 S154/004 S163/092</p>	<p>5</p>	<p>Rule 55: Discharges from contaminated land – permitted activity</p>	<p>The discharge of a contaminants onto or into land from contaminated land where the discharge a contaminant may enter water is a permitted activity provided the following conditions are met:</p> <p>(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and</p> <p>(b) the site investigation report concludes that:</p> <p>(i) the concentration of contaminants in groundwater meets the Drinking Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, and</p> <p>(ii) the concentration of contaminants in groundwater, at the property boundary, or at the location of existing bores, or at any point where the groundwater exits to the surface meets the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.</p>	<p>Effectiveness and efficiency: The amendment to the rule will improve the effectiveness and efficiency of the control of the activity being authorised, and better enable the Council to undertake its function in respect of discharges from contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer and more direct.</p> <p>Risk of acting or not acting:</p>

			<p><u>The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:</u></p> <ul style="list-style-type: none"> (d) <u>A detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R54; and</u> (e) <u>The detailed site investigation report concludes that the discharge of contaminants is highly unlikely to be a risk to human health or the environment at present or in the future; or</u> (f) <u>The detailed site investigation report and water quality monitoring demonstrates that the discharge from SLUR Category III land does not, or is not likely to, result in:</u> <ul style="list-style-type: none"> (i) <u>groundwater quality exceeding the maximum acceptable value in the <i>Drinking-Water Standards New Zealand 2005 (Revised 2008)</i>:</u> <ul style="list-style-type: none"> (1) <u>at the property boundary, or within 50 metres from the source of the discharge, whichever is the lesser distance; or</u> (2) <u>in an existing bore within the property boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring; or</u> (ii) <u>water quality in a surface water body within the property boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, exceeding the <i>Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines</i></u> 	<p>The risk of not acting is moderate, as the amendment is to improve the certainty of the rule and its implementation.</p> <p>Decision about most appropriate option:</p> <p>I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
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			<p><u>for Fresh and Marine Water Quality (2000) for the protection of 90% of species, and</u> <u>(4) c. the water quality exceeding 50% of the maximum acceptable value in the Drinking-Water Standards New Zealand 2005 (Revised 2008) where</u> <u>the SLUR Category III land is not located within a community drinking water supply protection area shown on Maps 26, 27a, 27b, or 27c.</u></p>	
<p>S154/005 S282/057</p>	<p>5</p>	<p>Rule 56: <u>Investigation of,</u> or <u>Discharges from,</u> contaminated land – discretionary activity</p>	<p>The use the <u>of land to undertake a detailed site investigation of contaminated land, and or the</u> discharge of <u>a</u> contaminants onto or into land from SLUR Category III land where the discharge a contaminant may enter water, that is not permitted by Rule R54 or Rule R55 is a discretionary activity.</p>	<p>Effectiveness and efficiency: The amendment to the rule will improve the effectiveness and efficiency of the control of the activities, and better enable the Council to undertake its function in respect of contaminated land.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer and more direct.</p> <p>Risk of acting or not acting: The risk of not acting is low to moderate, as the amendment is to improve the certainty of the rule and its implementation.</p> <p>Decision about most appropriate option: I consider that the amendment is the most</p>

				appropriate action to make the Plan more efficient and effective.
S133/010 S307/066	5	Rule 57: Discharges of hazardous substances – non-complying activity	The discharge of a hazardous substance into water, or onto <u>land</u> , or into <u>or onto</u> land where it may enter water, that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46, Rule R56 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 provided for as a permitted, controlled, restricted discretionary or discretionary activity is a non-complying activity.	<p>Effectiveness and efficiency: The amendment to the rule will improve the effectiveness and efficiency of the control of the activities, and better enable the Council to undertake its function in respect of the discharge of hazardous substances.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer and more direct.</p> <p>Risk of acting or not acting: The risk of not acting is low, as the amendment is to improve the certainty of the rule and its implementation.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
S29/061	5	Rule 78: Applications	The discharge of Ab, Ba or Bb grade biosolids onto or into land and the associated discharge of odour is a restricted discretionary activity,	<p>Effectiveness and efficiency: The amendment identifies that the policy is</p>

<p>S55/070</p>		<p>of biosolids (Ab,Ba, or Bb) to land – restricted discretionary activity</p>	<p>provided the following conditions are met:</p> <p>...</p> <p>(b) the discharge shall not result in the creation of contaminated land-contaminated land.</p>	<p>directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural): No new costs.</p> <p>Benefits (environmental, economic, social, and cultural): The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting: The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option: I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
	<p>5</p>	<p>Rule 93: All other discharges to land – discretionary activity</p>	<p>No recommended changes.</p>	<p>NA</p>

<p>S29/061 S55/070</p>	<p>5</p>	<p>Rule 140: Dewatering – permitted activity</p>	<p>The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:</p> <p>(a) the take continues only for the time required to carry out the work but does not exceed one month, and</p> <p>(b) the take and diversion and discharge is not from, onto or into contaminated land SLUR Category III land or potentially contaminated land, and</p> <p>(c) the take does not cause ground subsidence, and</p> <p>(d) the take does not deplete water in a water body, and</p> <p>(e) there is no flooding beyond the boundary of the property.</p>	<p>Effectiveness and efficiency:</p> <p>The amendment identifies that the policy is directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural):</p> <p>No new costs.</p> <p>Benefits (environmental, economic, social, and cultural):</p> <p>The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting:</p> <p>The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option:</p> <p>I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>
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	6	Method 16: Contaminated land	No recommended changes.	NA
S29/061 S55/070	12	Schedule N: Stormwater management strategy	<p>...</p> <p><i>Catchment characteristics</i></p> <p>(a) include plans and descriptions of the stormwater network within each catchment or sub-catchment, including identifying:</p> <p>...</p> <p>(v) contaminated land <u>contaminated land</u> and Hazardous Activities and Industries List (HAIL) activities at a high risk of contributing contaminants to stormwater, and</p> <p>...</p> <p><i>Management options</i></p> <p>...</p> <p>(i) identify options for minimising contaminant inputs into the stormwater network from land use activities at high risk of generating stormwater contaminants, such as contaminated land <u>contaminated land</u> and HAIL activities, and constructed overflows, pump stations and other wastewater infrastructure, and describe how these options shall be progressively implemented, and</p>	<p>Effectiveness and efficiency:</p> <p>The amendment identifies that the policy is directed toward all contaminated land rather than one class of contaminated land. The amendment will make the implementation of the Plan more efficient and effective.</p> <p>Costs (environmental, economic, social, and cultural):</p> <p>No new costs.</p> <p>Benefits (environmental, economic, social, and cultural):</p> <p>The Plan provisions will be clearer, more direct, and less reliant on interpretation.</p> <p>Risk of acting or not acting:</p> <p>The risk of not acting is moderate, as the amendment will direct the Plan provisions to all land that may be contaminated.</p> <p>Decision about most appropriate option:</p> <p>I consider that the amendment is the most appropriate action to make the Plan more efficient and effective.</p>

Appendix B: Tracked-change version of amendments

1. Interpretation

<p>Contaminated land</p>	<p>Land that has a hazardous substance in or on it that—</p> <ul style="list-style-type: none"> (a) has significant adverse effects on the environment; or (b) is reasonably likely to have significant adverse effects on the environment. <p>Note: Contaminated land means the same as <i>Category III—Contamination Confirmed</i> land in the Selected Land Use Register for the Wellington Region.</p>
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<p><u>SLUR Category III land</u></p>	<p><u>Land classified as Category III in the Selected Land Use Register (SLUR) for the Wellington Region, being land where there is evidence that the land has a hazardous substance in or on it that has, or is reasonably likely to have, significant adverse effects on the environment.</u></p>
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2. Objectives

Objective O43

~~Contaminated land is managed to protect human health and the~~ The environment is protected from the more than minor adverse effects of discharges from contaminated land.

Objective O51

The environment is protected from the adverse effects of discharges of hazardous substances ~~is managed to protect human health, property and the environment and the creation of contaminated land is avoided.~~

3. Policies

Policy P89: Discharges from contaminated land

The discharge of **hazardous substances** from contaminated land ~~contaminated land, including closed landfills~~, is managed minimised so that ~~the~~ significant adverse effects on fresh water, including groundwater, coastal water, and air ~~is minimised~~ are avoided, remedied or mitigated to the extent practicable.

Policy P90: Discharges of hazardous substances

The adverse effects of the discharge of **a hazardous substances** (excluding a discharge subject to Policy P89) to land ~~(including accidental discharges)~~, fresh water, including groundwater, ~~or~~ coastal water or air ~~from the use, storage and transport of hazardous substances~~ shall be avoided ~~managed by the use of good management practices.~~

Policy P95: Discharges to land

The discharge of contaminants to land shall be managed by:

- ...
- (b) avoiding discharges that would create ~~contaminated land~~ contaminated land, and

4. Rules

Rule R42: Minor discharges – permitted activity

The discharge of a contaminants into water, or onto or into land where it may enter water that is not ~~permitted, controlled, restricted discretionary, discretion, non-complying or prohibited~~ specifically provided for by any other rule in this Plan is a permitted activity provided the following conditions are met:

(a) The discharge contaminant is not a hazardous substance.

Rule R48: Stormwater from an individual property – permitted activity

The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, from an individual **property** is a permitted activity, provided the following conditions are met:

...

(b) the discharge is not from, onto or into ~~contaminated land~~ SLUR Category III land, and

Rule R49: Stormwater to land – permitted activity

The discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, from an individual **property** is a permitted activity provided the following conditions are met:

(a) the discharge is not from, onto or into ~~contaminated land~~ SLUR Category III land, and

Rule R54: Detailed Ssite investigation – permitted activity

The use of land to undertake a detailed site investigation of ~~assess the concentration of hazardous substances that may be present in the soil~~ contaminated land, and any associated discharge into air is a permitted activity, provided the following conditions are met:

- (a) the ~~assessment investigation~~ is undertaken by a suitably qualified and experienced practitioner and in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and
- (b) the ~~assessment investigation~~ is reported in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)*, and
- (c) the investigation results in a report certified by the practitioner and a copy of the report is provided to the Wellington Regional Council within two months after following the completion of the ~~assessment investigation~~.

Rule R55: Discharges from contaminated land – permitted activity

~~The discharge of a contaminants onto or into land from contaminated land where the discharge a contaminant may enter water is a permitted activity provided the following conditions are met:~~

- ~~(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and~~
- ~~(b) the site investigation report concludes that:
 - ~~(i) the concentration of contaminants in groundwater meets the Drinking Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, and~~~~

- ~~(ii) the concentration of contaminants in groundwater, at the **property** boundary, or at the location of existing **bores**, or at any point where the groundwater exits to the surface meets the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 95% of species.~~

~~The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:~~

- ~~(g) A detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R54; and~~
- ~~(h) The detailed site investigation report concludes that the discharge of contaminants is highly unlikely to be a risk to human health or the environment at present or in the future; or~~
- ~~(i) The detailed site investigation report and water quality monitoring demonstrates that the discharge from **SLUR Category III land** does not, or is not likely to, result in:~~
- ~~(i) groundwater quality exceeding the maximum acceptable value in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)*:~~
- ~~(1) at the **property** boundary, or within 50 metres from the source of the discharge, whichever is the lesser distance; or~~
- ~~(2) in an existing **bore** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring; ~~or~~~~
- ~~(ii) water quality in a **surface water body** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, exceeding the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 90% of species; ~~and~~~~

~~(4) c. the water quality exceeding 50% of the maximum acceptable value in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* where the **SLUR Category III land** is ~~not~~ located within a **community drinking water supply protection area** shown on Maps 26, 27a, 27b, or 27c.~~

Rule R56: Investigation of or Discharges from contaminated land – discretionary activity

The use ~~the of~~ land to undertake a detailed site investigation of contaminated land, and or the discharge of a contaminants ~~onto or into land~~ from ~~contaminated land~~ **SLUR Category III land** where ~~the discharge a contaminant~~ may enter water, that is not permitted by Rule R54 or Rule R55 is a discretionary activity.

Rule R57: Discharge of hazardous substances – non-complying activity

The discharge of a **hazardous substance** into water, ~~or~~ onto land, or into or onto land where it may enter water, that is not ~~permitted by Rule R36, Rule R37, Rule R42, Rule R46, Rule R56 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 that is not provided for as a permitted, controlled, restricted discretionary or discretionary activity~~ is a non-complying activity.

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:

...

- (b) the discharge shall not result in the creation of ~~contaminated land~~ contaminated land.

Rule R140: Dewatering – permitted activity

The take of water and the associated diversion and discharge of that water for the purpose of **dewatering** a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the work but does not exceed one month, and
- (b) the take and diversion and discharge is not from, onto or into ~~contaminated land~~ SLUR Category III land ~~or potentially contaminated land~~, and
- (c) the take does not cause ground subsidence, and
- (d) the take does not deplete water in a **water body**, and
- (e) there is no flooding beyond the boundary of the **property**.

6. Schedules

Schedule N: Stormwater management strategy

...

Catchment characteristics

- (a) include plans and descriptions of the **stormwater network** within each catchment or **sub-catchment**, including identifying:

...

- (v) ~~contaminated land~~ contaminated land and Hazardous Activities and Industries List

(HAIL) activities at a high risk of contributing contaminants to **stormwater**, and

...

Management options

...

(i) identify options for minimising contaminant inputs into the **stormwater network** from land use activities at high risk of generating **stormwater** contaminants, such as ~~contaminated land~~ contaminated land and HAIL activities, and constructed overflows, pump stations and other wastewater infrastructure, and describe how these options shall be progressively implemented, and

Appendix C: Clean version of amendments

1. Interpretation

SLUR Category III land	Land classified as Category III in the Selected Land Use Register (SLUR) for the Wellington Region, being land where there is evidence that the land has a hazardous substance in or on it that has, or is reasonably likely to have, significant adverse effects on the environment.
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2. Objectives

Objective O43

The environment is protected from more than minor adverse effects of discharges from contaminated land.

Objective O51

The environment is protected from the adverse effects of discharges of **hazardous substances** and the creation of contaminated land is avoided.

3. Policies

Policy P89: Discharges from contaminated land

The discharge of **hazardous substances** from contaminated land is managed so that ~~the~~ significant adverse effects on fresh water, including groundwater, coastal water, and air are avoided, remedied or mitigated to the extent practicable.

Policy P90: Discharges of hazardous substances

The adverse effects of the discharge of **hazardous substances** (excluding a discharge subject to Policy P89) to land, fresh water, including groundwater, coastal water or air shall be avoided.

Policy P95: Discharges to land

The discharge of contaminants to land shall be managed by:

...

(b) avoiding discharges that would create contaminated land, and

4. Rules

Rule R42: Minor discharges – permitted activity

The discharge of a contaminant into water, or onto or into land where it may enter water that is not specifically provided for by any other rule in this Plan is a permitted activity provided the following conditions are met:

(a) The contaminant is not a **hazardous substance**.

Rule R48: Stormwater from an individual property – permitted activity

The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, from an individual **property** is a permitted activity, provided the following conditions are met:

...

(b) the discharge is not from, onto or into **SLUR Category III land**, and

Rule R49: Stormwater to land – permitted activity

The discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, from an individual **property** is a permitted activity provided the following conditions are met:

(a) the discharge is not from, onto or into **SLUR Category III land**, and

Rule R54: Detailed site investigation – permitted activity

The use of land to undertake a detailed site investigation of contaminated land, and any associated discharge into air is a permitted activity, provided the following conditions are met:

- (a) the investigation is undertaken by a suitably qualified and experienced practitioner and in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and
- (b) the investigation is reported in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)*, and
- (c) the investigation results in a report certified by the practitioner and a copy of the report is provided to the Wellington Regional Council within two months following the completion of the investigation.

Rule R55: Discharges from contaminated land – permitted activity

The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:

- (a) A detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R54; and
- (b) The detailed site investigation report concludes that the discharge of contaminants is highly unlikely to be a risk to human health or the environment at present or in the future; or
- (c) The detailed site investigation report and water quality monitoring demonstrates that the discharge from **SLUR Category III land** does not, or is not likely to, result in:
 - (i) groundwater quality exceeding the maximum acceptable value in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)*;
 - (1) at the **property** boundary, or within 50 metres from the source of the discharge, whichever is the lesser distance; or
 - (2) in an existing **bore** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring;
 - (ii) water quality in a **surface water body** within the **property** boundary or within 50 metres from the source of the discharge, whichever is the lesser distance, exceeding the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 90% of species;
- c. the water quality exceeding 50% of the maximum acceptable value in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* where the **SLUR Category III land** is not located within a **community drinking water supply protection area** shown on Maps 26, 27a, 27b, or 27c.

Rule R56: Investigation of or discharges from contaminated land – discretionary activity

The use of land to undertake a detailed site investigation of contaminated land, or the discharge of a contaminant from **SLUR Category III land** where a contaminant may enter water, that is not permitted by Rule R54 or Rule R55 is a discretionary activity.

Rule R57: Discharge of hazardous substances – non-complying activity

The discharge of a **hazardous substance** into water, onto land, or into or onto land where it may enter water, that is not that is not provided for as a permitted, controlled, restricted discretionary or discretionary activity is a non-complying activity.

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:

...

- (b) the discharge shall not result in the creation of contaminated land.

Rule R140: Dewatering – permitted activity

The take of water and the associated diversion and discharge of that water for the purpose of **dewatering** a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the work but does not exceed one month, and
- (b) the take and diversion and discharge is not from, onto or into **SLUR Category III land** and
- (c) the take does not cause ground subsidence, and
- (d) the take does not deplete water in a **water body**, and
- (e) there is no flooding beyond the boundary of the **property**.

6. Schedules

Schedule N: Stormwater management strategy

...

Catchment characteristics

- (a) include plans and descriptions of the **stormwater network** within each catchment or **sub-catchment**, including identifying:

...

(v) contaminated land and Hazardous Activities and Industries List (HAIL) activities at a high risk of contributing contaminants to **stormwater**, and

...

Management options

...

(i) identify options for minimising contaminant inputs into the **stormwater network** from land use activities at high risk of generating **stormwater** contaminants, such as contaminated land and HAIL activities, and constructed overflows, pump stations and other wastewater infrastructure, and describe how these options shall be progressively implemented, and