

## NES-CS Analysis

Section and Activity	Requirements and Assessment	
<p>8 – Permitted Activities - Disturbing soil</p>	<p><b>Rule / Standard:</b></p> <p>(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</p> <p>(a) controls to minimise the exposure of humans to mobilised contaminants must—</p> <p>(i) be in place when the activity begins:</p> <p>(ii) be effective while the activity is done:</p> <p>(iii) be effective until the soil is reinstated to an erosion-resistant state:</p> <p>(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</p> <p>(c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m<sup>3</sup> per 500 m<sup>2</sup>:</p> <p>(d) soil must not be taken away in the course of the activity, except that,—</p> <p>(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</p> <p>(ii) for all other purposes combined, a maximum of 5 m<sup>3</sup> per 500 m<sup>2</sup> of soil may be taken away per year:</p> <p>(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</p> <p>(f) the duration of the activity must be no longer than 2 months:</p> <p>(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</p> <p>Activity and Assessment:</p> <p>With regard to 3(a)-iii, the proposal is to implement the measures in the Contaminated Site Management Plan (CSMP) as included in Appendix <b>Error!</b> <b>Reference source not found.</b> to ensure compliance with these criteria – complies.</p> <p>It is likely that the disturbed areas will not be reinstated to an erosion-resistant state within one month after disturbance in accordance with 3(b), but will be appropriately managed via the SMP until this state is achieved – does not comply.</p> <p>3(c) The piece of land contained in Part Lot 1 DP 13121 (Ballance Plant) is 32.2562 hectares in area. At 25 m<sup>3</sup> per 500 m<sup>2</sup>, a permitted disturbed volume would be 16,128 m<sup>3</sup>. At a proposed disturbance of 1626 m<sup>3</sup> - proposal complies.</p> <p>Soil will be taken off-site for disposal to an appropriate facility, in accordance with 3(d)i – ii and 3(e). At 5 m<sup>3</sup> per 500 m<sup>2</sup> of soil, 3226 m<sup>3</sup> would be permitted to be removed, therefore even with all soil disturbed (1626 m<sup>3</sup>) being removed this would still comply. Excess soil that is not reinstated in position (e.g. on top of the pipeline), will be maintained on-site in a bund or spread flat and regressed, or be disposed of to an appropriate facility meeting the requirement – complies.</p> <p>As a precautionary estimate, the duration of the soil disturbance may last longer than two months due to the scale of the proposed activities which is not in accordance with 3(f), but any risk that is associated with disturbance for this period will be managed through the CSMP – does not comply.</p> <p>The integrity of any structures as mentioned in 3(g) will be maintained – complies.</p>	<p>Does not comply</p>
<p>9 - Controlled activities - Removing or replacing fuel storage system, sampling soil, or disturbing soil And 10 – Restricted Discretionary activities</p>	<p><b>Activity and Assessment:</b></p> <p>Both Sections 9 and 10 require that a Detailed Site Investigation (DSI) be completed in order for the proposed soil disturbance activities to be controlled or restricted discretionary activities. The proposal is not to complete a Detailed Site Investigation but instead take a precautionary approach and manage all soils on the Ballance Plant site as if they are contaminated, through the CSMP provided in Appendix <b>Error!</b> <b>Reference source not found.</b> This does not comply.</p>	<p>Does not comply</p>

Section and Activity	Requirements and Assessment	
11 – Discretionary activities	<p><b>Rule / Standard:</b></p> <p>(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.</p> <p>(2) The activity is a discretionary activity.</p> <p><b>Activity and Assessment:</b></p> <p>The proposal is a discretionary activity.</p>	Discretionary