

14

Rules: Land Use other than in Lake or River Beds



14.1 Bore construction

Note: The construction of a bore is carried out for the purpose of taking groundwater, or which results in groundwater being taken. This is distinct from the activities of:

- The drilling of land carried out for any other purpose which is covered by rules under 14.2;
- The taking of groundwater, which is covered by rules under 12.2 in Chapter 12.

14.1.1 Controlled activities: Resource consent required but always granted

14.1.1.1 The excavation, drilling or other disturbance of land, other than in the bed of any lake or river, for the purpose of creating a bore, is a *controlled* activity.

In granting any resource consent for the excavation, drilling or other disturbance of land in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The location of the bore including its relationship to other bores and other activities; and
- (b) The planned depth of the bore; and
- (c) The management of the bore head and maintenance of the bore; and
- (d) The nature of the bore; and
- (e) The method of drilling or excavation; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

Principal reasons for adopting

No person may use any land in a manner that contravenes a rule in a regional plan or any proposed regional plan, unless that activity is expressly allowed by a resource consent or is an existing lawful use (Resource Management Act Section 9(3)).

This rule is adopted to ensure that the Otago Regional Council has the opportunity to control the adverse environmental effects that may arise from penetration of an aquifer resulting from bore hole construction.

14.2 Drilling

14.2.1 Permitted activities: No resource consent required

14.2.1.1 The drilling of land, other than for the purpose of creating a bore, and other than on the bed of any lake or river, is a *permitted* activity providing:

- (a) The drilling does not occur on land over an aquifer identified in the C-series maps; and
- (b) The hole is filled or sealed on completion of the work so that contaminants are prevented from entering the hole at any level.

14.2.2 Controlled activities: Resource consent required but always granted

14.2.2.1 The drilling of land over an aquifer identified in the C-series maps, other than for the purpose of creating a bore and other than on the bed of any lake or river, is a *controlled* activity.

In granting any resource consent for the drilling of land in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The potential for contamination of groundwater; and
- (b) The location of the drilling; and
- (c) The planned depth of the drilling; and
- (d) The management of the drill hole on completion; and
- (e) The method of drilling; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

14.2.3 Restricted discretionary activities: Resource consent required

14.2.3.1 Except as provided by Rules 14.2.1.1 and 14.2.2.1, the drilling of land, other than for the purpose of creating a bore and other than on the bed of any lake or river, is a *restricted discretionary* activity.

In considering any resource consent for the drilling of land in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) The potential for contamination of groundwater; and
- (b) The location of the drilling; and

- (c) The planned depth of the drilling; and
- (d) The management of the drill hole on completion; and
- (e) The method of drilling; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any bond; and
- (i) The review of conditions of the resource consent.

Principal reasons for adopting

No person may use any land in a manner that contravenes a rule in a regional plan or any proposed regional plan, unless that activity is expressly allowed by a resource consent or is an existing lawful use (Resource Management Act Section 9(3)).

Rule 14.2.1.1 is adopted to enable drilling to occur, but in a manner that protects groundwater resources from the entry of contaminants. Rule 14.2.2.1 is adopted to ensure that the Otago Regional Council has the opportunity to control the adverse environmental effects that may arise whenever an identified aquifer is penetrated. Any other drilling is a restricted discretionary activity in order that any adverse effects on groundwater can be assessed.

14.3 The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water other than on the bed of any lake or river

14.3.1 Permitted Activities: No resource consent required

14.3.1.1 The alteration or reconstruction of any defence against water, other than on the bed of any lake or river, is a *permitted* activity providing:

- (a) There is no permanent change to the scale, nature or function of the defence against water.

14.3.2 Discretionary Activities: Resource consent required

14.3.2.1 Except as provided for in Rule 14.3.1.1, the erection, placement, extension, alteration, replacement, reconstruction, demolition or removal, of any defence against water, other than on the bed of any lake or river, is a *discretionary* activity.

Principal reasons for adopting

No person may use any land in a manner that contravenes a rule in a regional plan or any proposed regional plan, unless that activity is expressly allowed by a resource consent or is an existing lawful use (Resource Management Act Section 9(3)).

The activities under Rule 14.3.1.1 will have no more than minor adverse effects on the environment. This rule is adopted to ensure that the Otago Regional Council has the opportunity to control defences against water so that they are constructed and maintained in a manner that does not exacerbate flood hazards or cause significant adverse effects on the environment.

14.4 Structures other than defences against water on the margins of lakes and rivers

14.4.1 Permitted Activities: No resource consent required

14.4.1.1 The erection or placement of any structure, other than a defence against water, within 7 metres of the margin of any lake, or within 7 metres of the top of the bank of any river, is a *permitted* activity, providing:

- (a) It does not result in the physical prevention or obstruction of access for works to avoid or mitigate any natural hazard; and
- (b) The Otago Regional Council is notified in writing, of the location and nature of the structure, at least seven working days prior to commencing the erection or placement.

14.4.2 Restricted discretionary activities: Resource consent required

14.4.2.1 Except as provided for by Rule 14.4.1.1, the erection or placement of any structure, other than a defence against water, within 7 metres of the margin of any lake, or within 7 metres of the top of the bank of any river, is a *restricted discretionary* activity.

In considering any resource consent for the erection or placement of a structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following matters:

- (a) The potential for physical access along the river or lake, for works to avoid or mitigate any natural hazard, to be prevented or obstructed, and the degree to which such access will be obstructed.

Principal reasons for adopting

No person may use any land in a manner that contravenes a rule in a regional plan or any proposed regional plan, unless that activity is expressly allowed by a resource consent or is an existing lawful use (Resource Management Act Section 9(3)).

Rule 14.4.1.1 is adopted to ensure that no person is restricted by a structure from having ready access along lakes or rivers, with machinery if necessary, in order to carry out works for the purpose of hazard avoidance or mitigation. Any other erection or placement of a structure, other than a defence against water, is a restricted discretionary activity, in order that any adverse effects on physical access for this purpose can be assessed.

R U L E S : L A N D U S E O T H E R T H A N I N L A K E O R R I V E R B E D S