

Region-wide proposed new rules and regulations

Earthworks and Drilling

The Earthworks and Drilling chapter manages the disturbance of land and associated discharges. Activities captured include:

- Earthworks and sediment run-off
- Drilling
- Bores
- Site investigations for contaminated land

These activities have previously been managed by the Regional Plan: Water for Otago (Water Plan). Plan Change 8 (Urban Topics), which was made operative on 3 September 2022, introduced new rules to the Water Plan for managing sediment from earthworks for residential development.

This chapter does not manage stormwater or discharges from contaminated land. These are covered in the Stormwater and Other Discharges chapters, respectively.

Overview and key changes

The table below provides a high-level comparison of the existing Water Plan provisions and the draft Earthworks and Drilling chapter and highlights the key changes from the Water Plan.

Overview of the chapter, and key changes

The table below provides a high-level comparison of the existing Water Plan provisions and the draft EARTH chapter and highlights the key changes from the Water Plan.

Earthworks and Drilling chapter of draft LWRP	Existing plan
Earthworks	
<p>The existing permitted activity rule for earthworks now applies to commercial and industrial development, as well as residential development.</p> <p>For earthworks to be permitted, they must not:</p> <ul style="list-style-type: none"> • remain unstabilised after completion • occur on contaminated land, or in a path of overland flow or flood plain, or in a drinking water protection zone • allow soil or debris to enter a water body, a drain, an artificial watercourse, or the coastal marine area • result in flooding, erosion, land instability, ponding, subsidence, or property damage beyond the boundary • result in an exceedance of the receiving water standards after reasonable mixing • discharge a hazardous substance • discharge into any natural wetland or water body identified in a plan as containing mahika kai, wāhi tūpuna (sites of significance to iwi), inanga spawning area or an outstanding natural feature or landscape. <p>Additional to these permitted activity conditions, the following conditions apply to slope, area, and setbacks:</p> <ul style="list-style-type: none"> • On a slope of less than 10° up to 2,500m² of earthworks in any consecutive 12-month period are permitted if setback at least 10m from a water body, a drain, an artificial watercourse, or the coastal marine area. <p>OR</p> <ul style="list-style-type: none"> • On a slope greater than 10° up to 2,500m² of earthworks in any consecutive 12-month period are permitted if setback at least 50m from a water body, a drain, an artificial watercourse, or the coastal marine area. <p>OR</p> <ul style="list-style-type: none"> • Earthworks between 2500 m² and 10,000 m² in any consecutive 12-month period are permitted if on a slope less than 10° and setback 50m from a water body, a drain, an artificial watercourse, or the coastal marine area. 	<p>Rule framework for managing sediment discharges from residential construction only.</p> <p>Earthworks are permitted if:</p> <ul style="list-style-type: none"> • area of exposed earth is no more than 2,500m² (in any 12-month period) • earthworks do not occur within 10 metres of a water body, water race, drain or Coastal Marine Area (CMA) • earthworks do not occur on contaminated land • soil and debris are prevented from entering a water body, water race, drain or CMA • the earthworks do not cause flooding, erosion, or land instability. <p>If earthworks do not meet all of the conditions listed above, a discretionary consent is required.</p>

<h2>Earthworks</h2>	
<p>The setback distances in the above rules do not apply to earthworks for riparian planting.</p> <p>If the earthworks do not comply with the above permitted activity conditions, a discretionary consent will be required and, if granted, will require best practice sediment control measures to be undertaken in accordance with an erosion and sediment control plan.</p>	
<h2>Drilling</h2>	
<p>Key changes:</p> <p>The drilling of land for purposes other than the construction of a bore is permitted if the drilling:</p> <ul style="list-style-type: none"> • does not penetrate an aquifer • is more than 10 metres from a wetland • is not on contaminated land • is above the water table • complies with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock. <p>The drilling of a new bore, or drilling to alter or replace an existing bore, will require controlled consent, which will be granted if:</p> <ul style="list-style-type: none"> • the bore is not located in the bed of lake or river, within 10 metre of a natural inland wetland or on contaminated land • the bore does not damage or destroy threatened species habitat or places of significance to mana whenua • the drilling is in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock • there is no mixing of water from different aquifers. <p>ORC will be able to set consent conditions on the following matters:</p> <ul style="list-style-type: none"> • location • depth • management and maintenance requirements • method of drilling • consent duration, review, bond, and record keeping requirements. 	<p>The drilling of land for purposes other than the construction of a bore is permitted if the drilling:</p> <ul style="list-style-type: none"> • is not over a groundwater protection zone • the hole is sealed on completion <p>The drilling of a new bore requires consent as a controlled activity. ORC must grant consent but may impose conditions relating to:</p> <ul style="list-style-type: none"> • the location of the bore • the depth of the bore • the management of the bore head and maintenance of the bore • the method of drilling or excavation.

Bores	
<p>The use of an existing bore is permitted if:</p> <ul style="list-style-type: none"> • The bore head is maintained in accordance with section 2.5 of NZS 4411:2001 Environmental Standard for Drilling of Rock and Soil and prevents the entry of contaminants, uncontrolled leakage, and the mixing of water from different aquifers • the bore has a functioning backflow prevention device fitted to the bore head • there are no hazardous substances located within 20 metres of the bore • records of maintenance and repairs are submitted to council within 10 working days. <p>If an existing bore does not comply with the conditions above, a controlled consent must be sought which may require the bore to be repaired or altered to ensure groundwater quality is protected.</p>	<p>The use of an existing bore is currently not managed by the Water Plan.</p>
Site investigation	
<p>The new framework supports the identification and recording of contaminated land by allowing site investigations to occur if they comply with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, 2021), and are reported to ORC within 2 months of completion.</p>	<p>The disturbance of land for a site investigation to assess concentrations of hazardous substances is currently not managed by the Water Plan.</p>