

EW - Earthworks

Key defined terms for this chapter	
Term	Definition
Archaeological Site	Individual sites recorded by the NZ Archaeological Association which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site's particular values.
Earthworks (NPS)	Means the alteration or disturbance of land, including by moving, removing, placing, balding, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
Flood Protection Works	means the undertaking of any work or the construction of any structure, which is <i>necessary</i> for the mitigation, avoidance or prevention of flood hazard risk.
Site (NPS)	<p>Means:</p> <ul style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land transfer Act 2017 could be issued without further consent of the Council; or <p>despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease</p>

Waterbody	means any lake, river or wetland as defined in this section of the plan and includes any other permanent or intermittent body of water including any stream, dam or pond.
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Cross-references to other District Plan Provisions
<p>In addition to the zone chapters, several district-wide and overlay chapters also contain provisions that may be relevant to earthworks activities, including:</p> <p>EI - Energy and Infrastructure</p> <p>NH - Natural Hazards</p> <p>HH - Historic Heritage</p> <p>TREE - Notable Trees</p> <p>ECO - Ecosystems and Indigenous Biodiversity</p> <p>NFL - Natural Features and Landscapes</p> <p>CE - Coastal Environment</p> <p>GRUZ - General Rural Zone</p> <p>MFZ - Marine Facilities Zone</p> <p>DEV1 - Kaikōura Peninsula Tourism Development Area</p>

Issues

EW-11	Adverse effects of <i>earthworks</i>
<p><i>Earthworks</i> on land can lead to increased local flooding, slope instability, water contamination, accumulation of sediment off <i>site</i> and adverse effects on ecological, landscape, historical and cultural values.</p>	

Objectives

EW-01	Managing adverse effects of <i>earthworks</i>
To avoid, remedy or mitigate adverse effects from <i>earthworks</i> on <i>waterbodies</i> , the Coastal Marine Area, landscapes values, land stability, flooding potential of the <i>site</i> and neighbouring properties, and cultural heritage <i>sites</i> .	
EW-02	Cross-references to <i>earthworks</i> objectives in other chapters
Refer: NFL-O1, GRUZ-O1, GRUZ-O2, GRUZ-O3, MFZ-O1.	

Policies

EW-P1	Manage adverse effects of <i>earthworks</i>
<ol style="list-style-type: none"> 1. To minimise sediment runoff into <i>waterbodies</i> and the Coastal Marine Area from <i>earthworks</i> through the adoption of sediment control techniques. 2. To avoid, remedy or mitigate adverse visual effects of <i>earthworks</i> on outstanding and significant landscape areas. 3. To adopt techniques to minimise the potential for increased land instability. 4. To adopt techniques to minimise noise and dust effects from <i>earthworks</i>. 5. To notify Te Rūnanga o Kaikōura and the New Zealand Historic Places Trust where <i>earthworks</i> are proposed in <i>archaeological sites</i> or areas shown on the District Plan maps. 	
EW-P2	Cross-references to <i>earthworks</i> policies in other chapters
Refer: NFL-P1, ECO-P1, ECO-P2, GRUZ-P6, MFZ-P1.	

Rules

<ol style="list-style-type: none"> 1. The following rules apply to all activities in the Outstanding and Significant Landscape Areas as identified on the Planning Maps, except in the Kaikōura Peninsula Tourism Zone where the rules in this section shall only apply to the following activities: <ol style="list-style-type: none"> a. Utilities.
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2. Duplication of Consents. Where any activity requires a resource consent under the following rules and a resource consent has been obtained from the Canterbury Regional Council for the same activity, then the rules specified below shall not apply to that activity:

- a. NFL-R3
- b. NFL-R6.

There are no rules applying to activities in zones relating to visual amenities, however, the Council encourages the use of the guidelines in Appendix 1.

Note: Appendix 1 contains landscape guidelines. While these are guidelines only, the Council encourages landowners to adhere to the District Plan guidelines. In addition, the Ministry of Forestry publishes landscaping guidelines for forestry, such as the “South Island High Country Forestry Design”. The Council encourages the use of such documents.

3. Also refer to HH - Historic Heritage, NFL - Natural Features and Landscapes, and DEV1 - Kaikōura Peninsula Tourism Development Area.

EW-R1	<i>Earthworks on land within the bed of any lake, river, stream, or naturally occurring wetland; within a 20m margin of the coast or any wetland; or within 10m of the bed of any river, stream, or lake</i>
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. <i>Earthworks (except for flood protection works)</i> do not exceed 10m³ in any one hectare in any 5-year period; and b. <i>Earthworks</i> do not exceed a maximum depth of cut or fill of 0.5m.

EW-R2	<i>Earthworks within the Marine Facilities Zone</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. <i>Earthworks</i> do not exceed 30m³ in any single 1,000m² area; and

	<ul style="list-style-type: none"> b. <i>Earthworks</i> do not exceed 50m² in any single 1,000m² area; and c. <i>Earthworks</i> shall not be undertaken in the recreation reserve at Moa Point.
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EW-R3	<i>Earthworks</i> within the Kaikōura Peninsula Tourism Development Area
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. <i>Earthworks</i> are associated with the construction of walking tracks on slopes less than 10 degrees that do not exceed 1.5m in width b. <i>Earthworks</i> do not exceed a total volume of 10m³ per hectare c. <i>Earthworks</i> do not exceed a maximum depth of cut or fill of 0.5m d. Compliance is achieved with DEV1-S1 to DEV1-S12. e. The completed height of the platform for the golf course clubhouse car park shall not exceed 100mamsl.
	<p>2. Activity status: Controlled</p> <p>Where:</p> <ul style="list-style-type: none"> a. Construction of walking tracks is on slopes of 10 degrees or more, but do not exceed 1.5m in width b. <i>Earthworks</i> are associated with any permitted activity but not listed as a Permitted activity (excluding <i>earthworks</i> associated with construction of buildings) c. The completed height of the platform for the golf course clubhouse car park shall not exceed 100mamsl. d. Matters of control: <ul style="list-style-type: none"> 5. Methods to avoid the potential for subsidence or erosion 6. Methods to rehabilitate disturbed ground including any re-contouring 7. Methods of dust control 8. Methods to control stormwater and silt runoff 9. Location, size, and duration of stockpiles

	10. For EW-R3(2)(b) only: The location of the walking track, type of pavement materials used, gradient of batter slopes, methods to rehabilitate disturbed ground.
	3. Activity status: Discretionary Where: a. <i>Earthworks</i> are within the Lifestyle Living Area shown in DEV1 Appendix 1 and are in accordance with an Overall Structure Plan.

Methods Other Than Rules

EW-M1	Methods to manage <i>earthworks</i>
<p>1. Rules in the District Plan specifying performance standards to control <i>earthworks</i> in the zone, and requirements for resource consents.</p> <p>2. Resource consents from the Regional Council for <i>earthworks</i>.</p>	

Principal Reasons

EW-PR1	Recognising the need for development while managing adverse effects of <i>earthworks</i>
<p>The Council recognises that development within the zone will require some modification of the natural environment through <i>earthworks</i>, and that such operations have the potential to cause adverse environmental effects. Techniques are available to mitigate these effects.</p> <p>A resource consent for any significant <i>earthworks</i> is required under the District Plan and is also likely to be required under the Land and Vegetation Management Regional Plan, administered by the Canterbury Regional Council.</p>	

Anticipated Environmental Results

EW-A1	Effects on cultural values are managed
<p>Avoiding, remedying or mitigating the adverse effects of development of the Kaikōura Peninsula Tourism Development Area on <i>sites</i> of significance to Te Rūnanga o Ngāi Tahu.</p>	

EW-A2	Landform integrity is maintained
Maintain the integrity of the Kaikōura Peninsula landform.	
EW-A3	Stormwater runoff from <i>earthworks</i> is managed
Stormwater runoff from development in the zone not degrading existing surface and groundwater quality, ecological values or causing soil instability or increasing a potential flood hazard.	
EW-A4	Effects on natural values are avoided
Avoidance of adverse effects on outstanding and significant landscape areas, and on the natural character of the coastal environment.	