

## 8. Natural Hazard Mitigation Activities

### 8.1 Introduction

Natural hazard mitigation activities include natural hazard mitigation structures and natural hazard mitigation earthworks **{HazMit cl. 16}** and the repair, maintenance and emergency activities that are necessary to manage or reduce the risk and effects of natural hazards. Mitigation works do not entirely remove the risk from natural hazards, and the works themselves can cause adverse effects that require careful management, for example effects on biodiversity through the removal of vegetation. Also, in some instances, natural hazard mitigation activities have the potential to create, exacerbate or transfer risk.

There are many existing natural hazard mitigation works in Dunedin, particularly on the Taieri Plain, for example floodbanks and spillways, many of which are public works and some of which are privately owned. Existing works sometimes require maintenance and alterations and there can be requirements for new or emergency works.

The Second Generation Plan Plan {PO cl.16} manages the effects of natural hazard mitigation activities, including on the amenity and character of surrounding areas where mitigation works are proposed, through the consent process unless the works are repair, maintenance or emergency activities.

## 8.2 Objectives and Policies

Objective 8.2.1	
<p>Natural hazard mitigation activities are enabled where they are the most effective and appropriate way of avoiding or mitigating the risks of natural hazards, and are designed and located to:</p> <ol style="list-style-type: none"> <li>minimise, as far as practicable, any adverse effects on the amenity and character of the zone; and</li> <li>meet the objectives and policies of the Plan related to all relevant overlay zones or mapped areas and any scheduled heritage item.</li> </ol>	
Policy 8.2.1.1	Enable the repair and maintenance of <u>natural</u> hazard mitigation structures and <u>natural hazard mitigation</u> earthworks features. <b>{HazMit cl.16}</b>
Policy 8.2.1.2	Only allow <u>natural</u> <b>{HazMit cl.16}</b> hazard mitigation earthworks and <u>natural</u> <b>{HazMit cl.16}</b> hazard mitigation structures where <del>there are no</del> any significant <u>adverse</u> effects on the amenity and character of the surrounding area <u>will be avoided or minimised as far as practicable</u> . <b>{HazMit 308.167}</b>
Policy 8.2.1.3	Enable emergency natural hazard mitigation where necessary during a natural hazard event to provide immediate protection to life or property.

## Rules

### Rule 8.3 Activity Status

#### 8.3.1 Activity status introduction

1. The activity status table in Rule 8.3.2 shows the activity status of natural hazard mitigation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the natural hazard mitigation activities **{PO cl.16}** category are listed in the Nested Table in Section 1.36. **{PO cl.16}**
2. Performance standards apply to permitted, controlled and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks, other than those that meet the definition of hazard mitigation earthworks, associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 4. **{PO cl.16}**

#### Legend

Acronym	Activity-status Meaning <b>{PO cl.16}</b>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone

### 8.3.2 Activity status table - Natural hazard mitigation activities

Activity		All zones and overlays Activity Status { <i>HazMit</i> <i>cl.16</i> }
1.	Emergency natural hazard mitigation	P
2.	Repair and maintenance of <u>natural</u> { <i>HazMit cl.16</i> } hazard mitigation earthworks features or <u>natural hazard mitigation</u> structures { <i>HazMit cl.16</i> }	P
3.	<u>Natural</u> Hhazard mitigation earthworks { <i>HazMit cl.16</i> }	D
4.	<u>Natural</u> Hhazard mitigation structures { <i>HazMit cl.16</i> }	D

#### Note 8.3.2A - Other relevant District Plan provisions

- ~~Vegetation clearance and replanting are managed as site development activities in zones: {*PO cl.16*}~~
  - ~~Tree planting Shelterbelts and small woodlots {*RU cl.16*} for land instability mitigation is managed as an activity in zones.~~
  - ~~Earthworks are managed through the management and major facilities zone sections {*PO cl.16*}.~~
- <sup>1</sup> **PO cl.16:** Note 8.3A.1 and 3 moved from Note 8.3A to Rule 8.3.1.5 and 6 and minor amendments to wording to clarify new location of earthworks provisions. Note 8.3A.2 moved to definition of natural hazard mitigation activities.

#### Note 8.3.2B - General advice

- Activities located below the level of mean high water springs are managed by the Otago Regional Council.
- Land based activities involving, or in close proximity to, defences against water are managed by the following Otago Regional Council mechanisms:
  - Regional Plan: Water for Otago
  - Otago Regional Council Flood Protection Management Bylaw; and
  - Otago Regional Council designations in this District Plan.
- Activities within the coastal marine area are managed via the Regional Plan: Coast for Otago.

#### Note 8.3.2C - Other requirements outside of the District Plan

- ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {*Her 547.80*}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {*Her 547.80*}. This is the case regardless of whether the land on which the {*Her 547.80*} site is located is {*Her 547.80*} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
- The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {*Her cl.16*} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
- Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {*Her 1071.47*}

**Note 8.3D – Other relevant District Plan provisions**

1. Earthworks are managed through the management and major facilities zone sections: **{HazMit cl.16'}**

<sup>1</sup> **HazMit cl.16:** Duplication of Rule 8.3.6.

**Rule 8.4 Notification**

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
  1. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
2. Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent in the following locations:
  1. ~~Hazard hazard 1 and hazard 1A~~ (flood) ~~Overlay Zone~~ overlay zones **{NH 908.37}**; and
  2. **swale mapped areas.**
3. ~~In accordance with section 95(B) of the RMA, where an application is not publicly notified, Council will give limited notification of an application to all affected persons: {PO cl.16'}~~
4. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

<sup>1</sup> **PO cl.16:** Clause removed as superfluous.

## Rule 8.5 Assessment of Discretionary Activities

### Rule 8.5.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 8.5.2 provides guidance on how a consent application will be assessed, including:
  - a. relevant objectives and policies, with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent application;
  - c. general assessment guidance; and
  - d. conditions that may be imposed.

### 8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
<ol style="list-style-type: none"> <li>1.           <ul style="list-style-type: none"> <li>• <del>Natural</del> Hazard mitigation earthworks <b>{HazMit cl.16}</b></li> <li>• <del>Natural</del> Hazard mitigation structures <b>{HazMit cl.16}</b></li> </ul> </li> </ol>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>a. Objective 8.2.1</li> <li>b. <del>There are no significant effects on the amenity and character of the surrounding area</del> <u>Natural hazard mitigation earthworks and natural hazard mitigation structures avoid or minimise, as far as practicable, significant adverse effects on the amenity and character of the surrounding area (Policy 8.2.1.2).</u> <b>{HazMit 308.167}</b></li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. <del>In assessing the significance of effects, consideration will be given to:</del> <b>{MW cl.16}</b> <ol style="list-style-type: none"> <li>a. <del>Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:</del> <b>{MW cl.16}</b> <ol style="list-style-type: none"> <li>a. <del>wāhi-tūpuna;</del> and <b>{MW cl.16}</b></li> <li>b. <del>mahika kai (Objective 14.2.1).</del> <b>{MW cl.16}</b></li> </ol> </li> <li>b. <del>If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna</del> <b>{MW 1071.109}</b></li> </ol> </li> <li>d. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> <li>e. <u>In assessing whether natural hazard mitigation activities are the most appropriate way to minimise risk on the site and on other sites, natural hazard mitigation activities will only be considered appropriate where there are no non-structural solutions that would be effective.</u> <b>{HazMit 308.167}</b></li> </ol>

### 8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>f. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. <b>{NatEnv 900.35}</b></li> <li>g. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2 and effects on related to <b>{NatEnv cl.16}</b> biodiversity values <b>{Nat Env 958.60}</b> and natural character of riparian margins and the coast.</li> <li>h. Where in a <b>ONCC, HNCC or NCC overlay zone</b>, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.</li> <li>i. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.4 and effects on public access.</li> <li>j. Where in a <b>ONF, ONL or SNL overlay zone</b>, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on related to <b>{NatEnv cl.16}</b> landscape values.</li> <li>k. See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risks from natural hazards</li> <li>l. Where in a <b>heritage precinct or on a heritage site</b> see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 and effects on heritage values.</li> <li>m. Where in a <b>wāhi tūpuna mapped area</b>, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</li> </ul>