



SECOND GENERATION DISTRICT PLAN

Natural Hazard Mitigation Decision of Hearings Panel

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

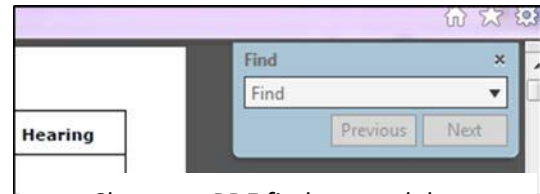
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regard to the submissions and evidence considered at the Natural Hazard Mitigation Hearing, held on 13 May 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the 11 original and further submission points addressed in the Natural Hazard Mitigation s42A Report.

1.1.1 Section 42A Report

3. The Natural Hazard Mitigation s42A Report deals primarily with Plan provisions included in the Natural Hazard Mitigation section of the 2GP. The Natural Hazard Mitigation section contains provisions which link to other parts of the 2GP; of particular relevance are Natural Environment (Section 10), Natural Hazards (Section 11), Heritage (Section 13) and Manawhenua (Section 14). The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

4. The Decision Report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.
5. Schedule 1 of the Resource Management Act, 1991 (RMA) outlines key aspects of the process that must be used to prepare and make decisions on a Plan change (including the submission and hearing process).
6. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
7. This decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.0.

1.2 Section 32AA Evaluation

8. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the proposed Plan was notified.
9. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.

¹ In accordance with Schedule 1, section 10 of the RMA

10. A section 32AA evaluation has been undertaken for all amendments to the notified Plan. The evaluation is incorporated within the decision reasons in section 3.0 of this decision.

1.3 Statutory Considerations

11. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
12. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
- Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are NES directly relevant to this particular topic. The following NPS is relevant:

The New Zealand Coastal Policy Statement 2010 (NZCPS) is relevant to natural hazard mitigation activities. Relevant policies in the NZCPS include policies 2 (recognition of cultural values), 13 (natural character), 19 (maintaining and enhancing public access) and 27 (recognising that 'hard protection' options may be necessary)
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative
 - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
13. These statutory requirements have provided the foundation for our consideration of submissions. We note:
- where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations
 - where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
 - in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons
 - where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our

decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing appearances and evidence presented

14. No submitters appeared at the hearing or provided evidence.

15. Appearances for the DCC were:

Ms Sarah Valk, Reporting Officer

16. Evidence provided by Ms Valk included:

- Section 42A Report
- Addendum dated 13 May 2016
- opening statement (verbal)

17. Planning assistance to the hearing was provided by:

Mr Paul Freeland (Senior Planner)

3.0 Key topics

3.1 Background

18. Natural hazard mitigation activities include structures and earthworks (and their repair and maintenance), and emergency activities which are necessary to manage or reduce the risk and effects of natural hazards.
19. Natural hazard mitigation activities can take many forms, from small scale private structures to large scale public works. Private works are often undertaken on an individual property scale and include measures such as earth bunds and retaining/protection walls. Public works are generally of a larger scale, undertaken by the Dunedin City Council (DCC) or the Otago Regional Council (ORC). Examples of such works include flood banks and drainage schemes to reduce risk to large areas of land, protection walls and sand replenishment.
20. As natural hazard mitigation activities can differ in terms of location, scale and design they are therefore highly variable in regard to the potential adverse effects they can create. The key issues requiring management include adverse effects on amenity, character, landscape, heritage and cultural values. Natural hazard mitigation activities can also have adverse effects in terms of transferring or exacerbating damage or risk from natural hazards elsewhere e.g. diverting floodwaters, increasing erosion elsewhere. However, there is the potential for other effects to occur, depending on the specifics of a proposal. Further, as knowledge of natural hazards contains uncertainties (location, likelihood and consequence), and the nature of natural hazards and our understanding of them are ever changing, potential mitigation measures and their effects are not constant.
21. Natural hazard mitigation activities are not specifically provided for under the operative District Plan and thus default to a non-complying activity status. In recent times, the use of designations for larger scale works by requiring authorities has been used for the protection and development of new works, which may be a reflection of the non-complying activity status of these activities.
22. In the 2GP, Objective 8.2.1 states:
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:
 1. *minimise, as far as practicable, any adverse effects on the amenity and character of the zone; and*
 2. *meet the objectives and policies of the Plan related to all relevant overlay zones or mapped areas and any scheduled heritage item.*
23. The 2GP as notified provides for natural hazard mitigation earthworks and natural hazard mitigation structures as discretionary activities throughout Dunedin City.

3.2 Natural Hazard Mitigation Introduction (2GP section 8.1)

24. *Federated Farmers of New Zealand* (OS919.113) requested that the Introduction be amended to include recognition of the contribution that private landowners make to hazard mitigation structures and earthworks.

25. The Reporting Officer considered that the amendment requested does not assist with the management of natural hazard mitigation activities and recommended that the submission point be rejected (s42A Report, Section 5.2.3, p. 9). The Reporting Officer did state, however, that if we were of a mind to accept the submission, minor changes to the Introduction would not fundamentally affect implementation of the provisions.

3.2.1 Decision and reasons

26. We reject the submission of *Federated Farmers of New Zealand* (OS919.113) and retain the Introduction to the Natural Hazard Mitigation section as notified.
27. We note that the Introduction section does acknowledge that some natural hazard mitigation works are privately owned, and bearing in mind the overall responsibility Council has for managing the effects of natural hazards and the risks associated with them, consider the balance in the Introduction is about right. Accordingly, we consider that there is no need to amend the Introduction.

3.3 Policy 8.2.1.2

28. Policy 8.2.1.2 sets up the discretionary activity status of natural hazard mitigation activities.
29. The 'test' contained in this policy as notified was that "there are no significant effects on the amenity and character of the surrounding area". The wording in this policy was based on the policy drafting guidance used for the 2GP.
30. The *University of Otago* (OS308.167) stated that there was no justification for requiring that there be "no significant adverse effects on amenity and character" and considered that this was a more stringent test than applies to other activities, which do not provide the benefits that hazard mitigation does.
31. In the Natural Hazard Mitigation s42A Report, the Reporting Officer stated that while the wording "no significant effects" was intended to be a more lenient (lower bar) test, she accepted that it was possible to misinterpret this (s42A Report, Section 5.2.6, p. 10). She stated that the matter was to also be discussed in the Plan Overview s42A Report where a recommendation was to be made to no longer use this phrasing.
32. In response to the *University of Otago* (OS308.167) submission the Reporting Officer recommended amendments to Policy 8.2.1.2 (and consequential amendments to Rule 8.5.2.1) and Policy 11.2.1.20 (s42A Report Addendum, pp. 10-11). These recommendations were reviewed as a result of a broader review of the Policy Drafting protocol that occurred in the Plan Overview and Structure Reconvened Hearing.
33. At that hearing held on 6 December 2017, the Plan Overview Reporting Officer (Dr Anna Johnson) presented revised recommendations regarding the policy drafting protocol for the least strict effects threshold (no significant effects), considering specifically the points raised by the *University of Otago* in relation to Policy 8.2.1.2.
34. Dr Johnson considered that the "avoid significant effects/no significant effects" wording, creates a relatively 'hard line' in terms of tolerance for significant effects. She therefore recommended it is not accurately described or appropriate for the 'least strict' threshold in terms of the policy drafting protocol (Reconvened Plan Overview Hearing Report, Section 4.0, pp. 9-12).
35. However, she considered that there may be situations where a test of "significant effects are avoided" or "no significant effects" is appropriate where this is what is wanted, e.g. a zero tolerance for significant effects. However, she considered that generally this should be:

- i. used as a relatively high bar test, as part of two-tier policy test, that also covers the level of tolerance for other – non-significant effects - for example: Only allow X where: a. significant effects are avoided, and b. all other effects are minimised as far as practicable
 - ii. or should be changed to “to avoid or minimise as far as practicable, significant adverse effects on Y”.
- 36. As part of this revised recommendation, Reporting Officers also reviewed the policies using this wording to consider whether the high bar test for significant effects is appropriate in the situation and to consider whether the wording should be amended.
- 37. As part of this, the Reporting Officer recommended amending Policy 8.2.1.2 to read (Reconvened Plan Overview Hearing Report, Appendix 4, pp. 51-53):

Only allow hazard mitigation earthworks and hazard mitigation structures where any significant adverse effects on the amenity and character of the surrounding area will be avoided or minimised as far as practicable.
- 38. She considered that the revised amendments to Policy 8.2.1.2 better addressed the concerns raised by the *University of Otago*.

3.3.1 Decision and reasons

- 39. We accept in part the submission of the *University of Otago* (OS308.167) that the policy wording as notified was unduly strict, for the reasons given by the submitter, and as traversed in the Plan Overview and Structure Reconvened Hearing.
- 40. As a result, we have amended Policy 8.2.1.2 (and made consequential amendments to Rule 8.5.2.1, which paraphrases the policy wording) based on the relief recommended by the Reporting Officers as discussed above, as follows:

Policy 8.2.1.2

Only allow hazard mitigation earthworks and hazard mitigation structures where ~~there are no~~ any significant adverse effects on the amenity and character of the surrounding area will be avoided or minimised as far as practicable. ~~there are no significant effects on amenity and character of the surrounding area~~ {HazMit 308.167}

Rule 8.5.2.1 (assessment of discretionary natural hazard mitigation activities)

Relevant objectives and policies:

- a. Objective 8.2.1
- b. ~~There are no significant effects on the amenity and character of the surrounding area~~ Hazard Mitigation earthworks and hazard mitigation structures avoid, or minimise, as far as practicable, significant adverse effects on the amenity and character of the surrounding area {HazMit 308.167}
- c. ...
- d. ...
- e. ...
- f. ...
- g. ...
- h. ...
- i. ...

General assessment guidance:

- j. In assessing the significance of effects, consideration will be given to:
 - a. Manawhenua values..., including the cultural values and traditions associated with:
 - a. wāhi tūpuna; and
 - b. mahika kai (Objective 14.2.1).
 - b. If located outside a wahi tupuna mapped area...
 - k. ...
 - l. 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. {HazMit 308.167}
41. In considering this submission we also noted that Policy 11.2.1.20 has a similar concept of no effects in terms of its wording “not transfer, exacerbate, or create a new risk somewhere else.” Part of the University’s submission was “Where a submission point relates to a specific provision, and there are other equivalent or similar provisions elsewhere in the proposed Plan, the submission is intended to cover all of those provisions.” We have therefore used the scope provided by this request to remove these words from Policy 11.2.1.20 as we believe that there could be instances where an effect may be created or exacerbated somewhere else as a result of a hazard mitigation scheme, for example a new flood ponding area, where net risk is reduced. For this reason, a ‘no effects’ wording is not appropriate.
42. We consider that these amendments are more appropriate in terms of the objectives of the Plan.
43. Amendments are shown in Appendix 1 as attributed to HazMit 308.167.

3.4 Rule 8.3.2 (activity status)

3.4.1 Protection of natural hazard mitigation works above the Howard Street slip

44. *Susie McKeague’s* (OS225.2) submission was in relation to the Howard Street slip, at Macandrew Bay, in the Hazard 1 and 2 (land instability) overlay zones. Her submission noted that there is DCC water infrastructure as well as farmland above that slip area, and that management and control of this infrastructure and retaining any trees or drainage work up-hill is important to reduce the risk of earth movement. Her submission requested that this treatment work on the rural land needs to be kept in place, and that there needs to be a degree of protection in the 2GP.
45. The Reporting Officer explained in her s42A Report that the 2GP does not list or schedule any natural hazard mitigation activities, nor have any rules around their removal (s42A Report, Section 5.2.7, p. 11). She stated that the 2GP does, however, contain provisions in the Natural Hazards section which restrict earthworks volumes and the maximum area of vegetation clearance in hazard overlay zones, as these activities have the potential to adversely affect land stability and in some circumstances may have originally been undertaken to improve land stability. She noted that new natural hazard mitigation works can be protected under the 2GP through conditions on consent and the use of designations. Further, mechanisms outside of the 2GP are also available to protect hazard mitigation works including covenants and easements.

3.4.1.1 Decision and reasons

46. We note that through our decision on the Natural Hazards topic that the land instability hazard overlay zones at Macandrew Bay have been reduced in extent and risk classification. As a result, the retention of up-hill drainage works or trees at this location is potentially of reduced importance. The Panel considered the points raised by *Susie McKeague* (OS225.2) and the explanation by the Reporting Officer, and we support the recommendation in the s42A Report to retain Rule 8.3.2 as notified, and reject the submission.
47. We consider the proposed rules are generally the most efficient and effective way to manage existing hazard mitigation works, as:
 - a. some protection is already afforded by the Plan including performance standards, conditions on consent and the use of designations
 - b. other mechanisms are also available outside of the Plan including covenants and easements.
48. We consider that requiring existing hazard mitigation works to be identified and protected may be important in some instances and this was something we considered in more detail as part of the Natural Hazards Hearing, although it was not the subject of any specific submissions at that hearing.
49. However, we note that *Susie McKeague's* (OS225.2) submission only relates to trees and drainage works above the Howard Street slip, and we have no evidence on whether those features have been specifically designed as 'hazard mitigation activities'.
50. We recommend that DCC consider a future Plan change to explore this issue further, including potentially a wider change to provide additional mapping or Plan rules to protect existing natural hazard mitigation activities where they have been specifically designed and are important to reduce risks.

3.4.2 Activity status of hazard mitigation activities

51. The *University of Otago* (OS308.168) requested a change in activity status for natural hazard mitigation activities from discretionary to restricted discretionary. The submitter also raised concerns about an overlap between DCC and the Otago Regional Council in administering consents. *Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou* (FS2456.40) opposed this submission as they supported the notified discretionary activity status for hazard mitigation activities, as these have the potential to affect the cultural values of wahi tupuna.
52. The Reporting Officer stated that when drafting the 2GP the appropriate activity status was determined based on the principle that restricted discretionary was only to be used where the nature of effects associated with the activity was known and predictable (including positive and adverse effects), and the types of effects were limited, with a rule of thumb being no more than three types of effects (s42A Report, Section 5.2.7, pp. 11-12). She stated that in instances where the scale and type of activity was variable, or for other reasons the nature of effects were difficult to predict, a discretionary activity status was used to ensure all effects (including any positive effects) could be considered in the decision.
53. Accordingly, in relation to natural hazard mitigation activities, her view was that it is appropriate to retain (full) discretionary activity status, especially as they are highly variable in regard to location, scale and design, and therefore are variable and sometimes unpredictable in terms of the adverse effects that can arise.

3.4.2.1 Decision and reasons

54. We reject the submission by the *University of Otago* (OS308.168) and accept the further submission by *Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou* (FS2456.40).
55. We consider retaining discretionary activity status, and not amending Rule 8.5.2.1 (other than as required as a result of decisions on Policy 8.2.1.2 – see section 3.3 above) is the most efficient and effective way to manage hazard mitigation activities, for the following reasons:
- a. it is appropriate that restricted discretionary activity status is only used in the 2GP where the nature of effects associated with the activity is known and predictable (including positive and adverse effects), and the types of effects are limited, whereas discretionary activity status is used to ensure all effects (including any positive effects) can be considered;
 - b. natural hazard mitigation activities are highly variable in regard to location, scale and design, and therefore are variable in the adverse effects the activities can result in. This makes it particularly difficult to develop a restricted discretionary matters list;
 - c. changing the activity status to restricted discretionary could result in important effects (including positive effects) having to be excluded from consideration in the assessment of a consent application and conditions not being able to be applied to manage adverse effects.
56. We do not consider that retaining natural hazard mitigation activities as discretionary in the 2GP will result in unnecessary consenting overlap between the consent authorities, and note that under section 102 of the RMA it is possible to hold joint hearings to reduce consenting costs and any consenting overlap.

3.5 Plan drafting errors

57. While assessing submissions on the natural hazard mitigation section, the Reporting Officer identified, in her Section 42A Report, several minor plan drafting errors. These errors relate to consequential changes that were required but not implemented because of the activity status of natural hazard mitigation activities being changed from restricted discretionary to full discretionary between an earlier version of the 2GP (pre-notification) and the section as notified.

3.5.1 Decision and reasons

58. We accept there is a need to correct these Plan drafting errors to improve the consistency, clarity and effectiveness of the 2GP. These amendments are shown in Appendix 1 and attributed to cl.16. Plan drafting errors are as follows:

Policy 2.2.1.6

Manage the risk posed by natural hazards, so that it is no more than low, including through rules that:

- a. changes the activity status of activities based on the sensitivity of the activity and the level of risk associated with an identified hazard overlay zone;
- b. use performance standards on permitted and restricted discretionary activities, wherever appropriate;

- c. provide for natural hazard mitigation activities where appropriate ~~as restricted discretionary activities~~; and
- d. manage subdivision in a way that considers future land use and development.

Policy 13.2.3.10

Only allow public amenities, natural hazard mitigation activities and network ~~utilities~~ utility {NU cl. 16} activities where these are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character.

Rule 13.6.3.1(a)(ii)(5)

- 5. network ~~utilities~~ utility activities {NU cl. 16} ~~, natural hazard mitigation activities~~ and building utilities are designed, located and/or screened to be as unobtrusive as ~~possible~~ practicable {Her 576.33} (Policy 13.2.2.1).

Rule 13.7.2.3

3.	<p>In a heritage precinct:</p> <ul style="list-style-type: none"> • Hazard mitigation earthworks {HazMit cl.16} • Hazard mitigation structures {HazMit cl.16} • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels community scale {NU 308.122} • Hydro generators community scale {NU 308.122} 	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 13.2.3 b. Network utilities <u>utility</u> {NU cl.16} activities <u>and natural hazard mitigation activities</u> {HazMit cl.16} are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).
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4.0 Future Plan change reviews and other suggestions

59. In considering this topic, it was our opinion that the Plan may have been improved by providing additional mapping or Plan rules to protect existing natural hazard mitigation activities where they have been specifically designed and are important to reduce risks. However, we note we had no submissions requesting this; therefore, we include this comment as a suggestion for investigation for a future Plan review process.

5.0 Minor and Inconsequential Amendments

60. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
61. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments generally include:
- correction of typographical, grammatical and punctuation errors
 - removing provisions that are duplicated
 - clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
 - standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
 - adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
 - correctly paraphrasing policy wording in assessment rules
 - changes to improve plan usability, such as adding numbering to appendices and reformatting rules
 - moving provisions from one part of the plan to another
 - rephrasing plan content for clarity, with no change to the meaning
62. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

Appendix 1 – Amendments to the Notified 2G (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked-up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision report section
 - Section 42A Report section
 - Decision
 - Submission point number reference for amendment

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
8. Natural Hazard Mitigation	Introduction	8.1		Natural Hazard Mitigation Introduction	Do not amend as requested		3.2.1	5.2.3
8. Natural Hazard Mitigation	Policy	8.2.1.2			Amend policy wording	HazMit 308.167	3.3.1	5.2.6
8. Natural Hazard Mitigation	Activity Status	8.3.2		Natural hazard mitigation	Do not amend as requested		3.4.2	5.2.7
8. Natural Hazard Mitigation	Assessment of Discretionary Activities	8.5.2.1		Natural hazard mitigation earthworks	Amend guidance wording to reflect changes made to Policy 8.2.1.2	HazMit 308.167	3.3.1	5.2.6
8. Natural Hazard Mitigation	Assessment of Discretionary Activities	8.5.2.1		Natural hazard mitigation earthworks	Do not amend as requested		3.4.2	5.2.7
11. Natural Hazards	Policy	11.2.1.20	11.2.1.15		Amend policy wording	HazMit 308.167	3.3.1	5.2.6
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.2			Amend guidance wording to reflect changes made to Policy 11.2.1.20	HazMit 308.167	3.3.1	5.2.6