



**SECOND
GENERATION
DISTRICT PLAN**

**Natural Hazards
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

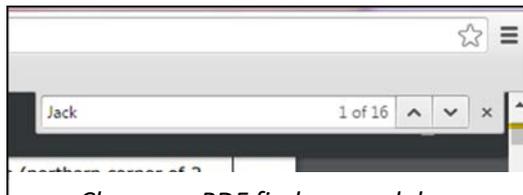
In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) 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

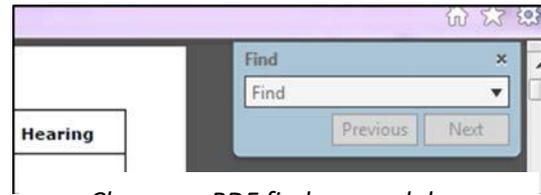
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	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

Table of Contents

1.0	Introduction	8
1.1	Scope of Decision	8
1.1.1	Section 42A Report	8
1.1.2	Structure of Report	8
1.2	Section 32AA Evaluation	9
1.3	Statutory Considerations	9
2.0	Hearing appearances and evidence presented	11
3.0	Key topics discussed at the hearing or covered in tabled evidence	18
3.1	Background	18
3.1.1	Overview	18
3.1.1.1	Key Resource Management Issues	18
3.1.1.2	2GP Provisions as Notified	18
3.1.1.3	Legislation Overlap and Relevant Case Law	19
3.1.1.3.1	Relationship between the Building Act and RMA	19
3.1.1.3.2	Does the 2GP set a higher requirement for buildings than the Building Code?	20
3.1.1.3.3	Application of the Building Code requirements in Dunedin	20
3.1.1.3.4	Decisions in other District Plans	20
3.1.1.3.5	Case Law	20
3.2	Context	21
3.2.1	2GP Mapping – Expert Reports	21
3.2.2	Natural Hazards Pre-Hearing Meeting	22
3.2.3	Natural Hazards Hearing	22
3.2.3.1	DCC and ORC Evidence	22
3.2.3.2	Submissions on the overall approach to natural hazard management	23
3.2.3.3	Submissions on flooding	24
3.2.3.4	Submissions on land instability	24
3.2.3.5	Submissions on coastal hazards	24
3.2.3.6	Consideration of submitter evidence	25
3.3	Broad Submissions on Natural Hazards Management Approach/Hazard Overlay Zones Mapping	25
3.3.1	Submissions	25
3.3.1.1	Requests to remove all hazard overlay zones / submissions in broad opposition to approach	25
3.3.1.2	Requests to review/adjust/retain hazard overlay zones	26
3.3.2	s42A Report Recommendations	26
3.3.3	Hearing Evidence	26
3.3.4	Decision and Reasons	28
3.4	Key Submissions on Strategic Direction Objectives and Policies, and Risk Based Approach	29
3.4.1	Wording of Objective 2.2.1	29

3.4.1.1	Decision and Reasons	29
3.4.2	'No more than low' test in Objective 2.2.1 and associated policies and provisions	30
3.4.2.1	Submissions	30
3.4.2.1.1	Requests to reduce or clarify the 'no more than low' test in Objective 2.2.1 and associated policies and provisions	30
3.4.2.1.2	Requests to amend wording of policies under Objective 11.2.1 that use 'no more than low'	30
3.4.2.1.3	Requests to amend Table 11.1	30
3.4.2.1.4	Requests to amend policies to "remedy or mitigate" after the word "avoid"	31
3.4.2.2	s42A Report Recommendations	31
3.4.2.3	Hearing Evidence	32
3.4.2.4	Decision and Reasons	32
3.5	Sensitivity Definitions	33
3.5.1	Submissions and s42A Report Recommendations	33
3.5.1.1	Requests to retain sensitivity definitions	33
3.5.1.2	Request to amend definition of 'least sensitive activities' to only include all other Rural activities not included as 'potentially sensitive activities'	33
3.5.1.3	Request to make service stations a 'potentially sensitive activity'	34
3.5.1.4	Request to Narrow Scope of Emergency Services that are Considered Sensitive Activities	34
3.5.1.5	Request to have Network Utility Activities Excluded from all the Sensitivity Definitions, or be Specifically Included in the Least Sensitive Activities Definition	34
3.5.2	Hearing Evidence	35
3.5.3	Decision and Reasons	36
3.6	Change to Activity Status in Hazard Overlay Zones	37
3.6.1	Request to make buildings greater than 60m ² permitted instead of restricted discretionary in a Hazard 1 or 2 (flood) Overlay Zone	37
3.6.1.1	Decision and Reasons	38
3.6.2	Request to make potentially sensitive activities restricted discretionary in the Hazard 1 and 2 Overlay Zones, irrespective of whether or not they are permitted in the underlying zone	38
3.6.2.1	Decision and Reasons	39
3.6.3	Request to remove Policy 11.2.1.5 (do not manage sensitive activities in a Hazard 2 overlay zone)	40
3.6.3.1	Decision and Reasons	41
3.6.4	Request to include activity status table which changes the activity status in hazard overlay zones in the Campus section of 2GP	41
3.6.4.1	Decision and Reasons	41
3.6.5	Request to make sensitive activities prohibited in a subset of the Hazard 1 (flood) Overlay Zone	41
3.6.5.1	Decision and Reasons	43
3.7	Natural Hazard – Suggested New Definition	44
3.7.1	Decision and Reasons	44
3.8	Broad submissions on Natural Hazards Management (Climate Change) – Requests for Amendments to Recognise Climate Change Effects on Infrastructure	45
3.8.1	Decision and Reasons	45

3.9	Land Instability Management and Mapping	46
3.9.1	Land Instability Management Approach	46
3.9.1.1	Submissions	46
3.9.1.2	S42A Report Recommendations	48
3.9.1.3	Hearing Evidence	49
3.9.1.4	Decision and Reasons	49
3.9.2	Land Instability Mapping	50
3.9.2.1	Submissions	50
3.9.2.2	S42A Report Recommendations	51
3.9.2.3	Hearing Evidence	52
3.9.2.4	Decision and Reasons	55
3.10	Coastal Hazard Management and Mapping	56
3.10.1	Submissions	57
3.10.1.1	Remove Hazard 3 (Coastal) Overlay Zone from properties	57
3.10.1.2	Overall approach	57
3.10.2	s42A Report Recommendations	58
3.10.3	Hearing Evidence	58
3.10.4	Decision and Reasons	59
3.11	Relocatable Building Provisions	60
3.11.1	Background	60
3.11.2	Submissions	60
3.11.2.1	Requests to remove provisions	60
3.11.2.2	Request to amend the Relocatable Buildings performance standard (Rule 11.3.4) regarding applicability to buildings other than for residential purposes	61
3.11.2.3	Request to amend the Relocatable Buildings performance standard (Rule 11.3.4) regarding location of applicability	61
3.11.3	Hearing Evidence	62
3.11.4	Decision and Reasons	64
3.12	Minimum Floor Level Provisions (flood and coastal)	65
3.12.1	Submissions	66
3.12.1.1	Requests to amend South Dunedin coastal minimum floor levels	66
3.12.1.2	Requests to remove minimum floor level mapped areas and/or provisions	66
3.12.1.3	Requests to allow alternatives to minimum floor levels	67
3.12.1.4	Requests to allow basements in Hazard (flood) Overlay Zones (Rule 11.3.3.4)	67
3.12.1.5	Request to exempt non-habitable ground floor development	68
3.12.1.6	Request to apply rule only to residential properties	68
3.12.1.7	Request to exempt extensions to existing houses	68
3.12.1.8	Requests to provide for an exemption if there is site specific flood assessment	68
3.12.1.9	Flood Minimum Floor Level Mapped Area	69
3.12.2	S42A Report Recommendations	69
3.12.3	Hearing Evidence	70
3.12.4	Decision and Reasons	71
3.13	Management of Network Utilities and Lifeline Utilities	72

3.13.1	Requests to amend Objective 2.2.1 to refer to critical infrastructure, lifeline utilities, and emergency services	72
3.13.1.1	Decision and Reasons	73
3.13.2	Requests to amend Policy 11.2.1.3 and Rule 11.3.1.1.b	74
3.13.2.1	Decision and Reasons	75
3.13.3	Requests regarding Policy 11.2.1.18	75
3.13.3.1	Decision and Reasons	76
3.13.4	Request to amend Policy 11.2.1.19	76
3.13.4.1	Decision and Reasons	77
3.14	Management of Earthworks	77
3.14.1	Decision and Reasons	80
3.15	Requests for amendments to Rule 11.3.2 in relation to forestry activities	81
3.15.1.1	Decision and reasons	82
3.16	Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas	82
3.16.1	Requests for amendments to Rule 11.3.2 in relation to farming activities, including in relation to pest management activities	83
3.16.1.1	Decision and reasons	84
3.17	Flood and Alluvial Fan Hazard Mapping	86
3.17.1	General Comments and Reasons for Decisions	86
3.17.2	Alluvial Fans	87
3.17.2.1	Submissions	87
3.17.2.1.1	Mapping of natural hazards in areas included due to being on alluvial fans	87
3.17.2.1.2	Hazard 1, 2 and 3 (flood) Overlay Zones and Alluvial Fans – Taieri Plain	88
3.17.2.2	s42A Report Recommendations	88
3.17.2.3	Hearing Evidence	89
3.17.2.4	Decision and Reasons	89
3.17.3	Hazard 1 and 2 (flood) Overlay Zones - Waikouaiti River, Waitati River and Otokia Creek (Brighton)	91
3.17.3.1	Submissions	91
3.17.3.2	s42A Report Recommendations	91
3.17.3.3	Hearing Evidence	91
3.17.3.4	Decision and Reasons	92
3.17.4	Hazard 2 (flood) Overlay Zone – Kaikorai Stream	92
3.17.4.1	Submissions	92
3.17.4.2	s42A Report Recommendations	93
3.17.4.3	Hearing Evidence	93
3.17.4.4	Reporting Officers’ Revised Recommendations	94
3.17.4.5	Decision and Reasons	95
3.18	Hazard 2 and 3 (flood) Overlay Zones - Lindsay Creek and Water of Leith	95
3.18.1	Submissions	95
3.18.1.1	s42A Report Recommendations	96

3.18.1.2	Hearing Evidence	96
3.18.1.3	Decision and Reasons	96
3.18.2	Hazard 1, 2 and 3 (flood) Overlay Zones – Taieri Plain	97
3.18.2.1	Submissions	97
3.18.2.2	s42A Report Recommendations	97
3.18.2.3	Hearing Evidence	97
3.18.2.4	Decision and Reasons	98
3.18.3	Hazard 1 (flood) Overlay Zone – Strath Taieri	98
3.18.3.1	Decision and Reasons	98
3.18.4	Swale Mapped Area	99
3.18.4.1	Decision and Reasons	99
4.0	Other Key Topics	100
4.1	Suggested New Definition of Ground Floor Area	100
4.1.1	Decision and Reasons	100
4.2	Natural Hazards Introduction	100
4.2.1	Decision and Reasons	100
4.3	Broad Submissions on Natural Hazards Management Approach - Request to Amend Provisions to Recognise Cumulative Risk	101
4.3.1	Decision and Reasons	101
4.4	Other Submissions on Objective 11.2.1 and Policies	101
4.4.1	Request to Amend Objective 11.2.1	101
4.4.1.1	Decision and Reasons	102
4.4.2	Request to Change Policies 11.2.1.5 and 11.2.1.6 to Refer to 'New' Activities	102
4.4.2.1	Decision and Reasons	102
4.4.3	Request to remove the Requirement for all Potentially Sensitive Activities to Demonstrate a Critical Operational Need	103
4.4.3.1	Decision and Reasons	103
4.5	Rule 11.3.1.2 (Dune System Mapped Area)	104
4.5.1	Decision and Reasons	104
4.6	Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas	105
4.6.1	Requests regarding exemptions in Rule 11.3.2.1	105
4.6.1.1	Decision and reasons	105
4.6.2	Requests for amendments to Rule 11.3.2.2 to allow non-indigenous vegetation for dune planting	105
4.6.2.1	Decision and reasons	106
4.6.3	Request for clarification of 11.3.2.2.a – area planted must be not less than area cleared	106
4.6.3.1	Decision and reasons	106
4.7	Provisions Related to Storage of Hazardous Substances	106
4.7.1	Decision and Reasons	107
4.7.2	Provisions Related to Subdivision	107
4.7.3	Decision and Reasons	108

4.8	Note to Plan Users Including Guidance on Existing Use Rights Applying to Land Use Activities in Hazard Overlay Zones	109
4.8.1	Decision and Reasons	110
4.9	Request to Combine Rules 11.4.2 and 11.5.2	110
4.9.1	Decision and Reasons	111
4.10	Dune System Mapped Area	111
4.10.1	Decision and Reasons	111
5.0	Minor and inconsequential amendments	112
	Appendix 1 – Amendments to the Notified 2GP (2015)	113
	Appendix 2 – Joint Conferencing Statement between ORC and DCC on Prohibited Activity Status for Hazard 1 (flood) Overlay Zones	114
	Appendix 3 – Summary of Decisions	

1.0 Introduction

1. This document details the decisions of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP on the submissions and evidence considered at the Natural Hazards Hearing, held on 19-21 April, 26-27 April and 3 May 2017, at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the 778 original and 572 further submissions points addressed in the Natural Hazards s42A Report, except:
 - *Capri Enterprises Limited's* submission point OS899.2 related to minimum floor level provisions, which we address in the Plan Overview Decision report; and
 - *Bindon Holdings Limited's* submission point OS916.3 related to minimum floor level provisions, which we address in the Plan Overview Decision report.
3. This decision also addresses a number of submission points transferred from other topics, as follows (note that when an original submission point is transferred between topics, all associated further submission points are transferred with it).
 - *Alex Charles and Jackie St John* (OS876.5), the *Oil Companies* (OS634.70) *Federated Farmers of New Zealand* (OS919.45, OS919.46), and *Otago Business Park Limited* (FS2178.5) sought amendments to policies related to swale mapped areas (Policy 11.2.1.15) and large-scale earthworks in Hazard Overlays (Policy 11.2.1.16). These submission points were discussed in the Earthworks s42A Report, but are now addressed in this decision report.
 - *Robert George and Sharron Margaret Morris* (OS355.9), *Timothy George Morris* (OS951.53) and *Timothy Morris* (on behalf of *RG and SM Morris Family Trust* (OS1054.53) sought that earthworks be permitted in dune system mapped areas and that thresholds be increased. These submission points were discussed in the Earthworks s42A Report, but are now addressed in this decision report.

1.1.1 Section 42A Report

4. The Natural Hazards topic s42A Report deals primarily with plan provisions included in the Natural Hazards section of the 2GP. The Natural Hazards section contains provisions which link to all management zone sections and some major facilities zone sections of the 2GP. Also of relevance is the Natural Hazard Mitigation section (Section 8). The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

5. 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 3 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 3 includes provisions changed as a consequence to other decisions.
6. Schedule 1 of the 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)

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

7. 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.
8. 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

9. 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.
10. 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.
11. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is incorporated within the decision reasons in sections 3.0 and 4.0 of this decision.

1.3 Statutory Considerations

12. 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.
13. 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. In this case, the New Zealand Coastal Policy Statement 2010 (NZCPS) is a relevant NPS. Particularly relevant objectives and policies are included in Table 1 below.

Table 1: Relevant NZCPS Provisions

NZCPS Provision	Given effect to by:
Policy 1: Extent and characteristics of the coastal environment Policy 24: Identification of coastal hazards	Hazard 3 (coastal) Overlay Zone
Policy 25: Subdivision, use, and development in areas of coastal hazard risk	Policy 11.2.1.13 Rule 11.3.4 (relocatable buildings)
Policy 26: Natural defences against coastal hazards	Dune System Mapped Area Rule 11.3.1.2 (Hazard exclusions areas) Rule 11.3.2 (Maximum area of vegetation clearance)

- 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.

14. 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

15. Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 2. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 2: Submitters and relevant topics

Submitter (Submitter Number)	Represented by/ experts called	Nature of Evidence	Topics under which evidence is discussed
<i>AgResearch Limited</i> (OS924)	Mr Graeme Mathieson (Senior Resource Management Consultant, Mitchell Daysh, representative)	Tabled written evidence (not pre-circulated). Did not appear at hearing.	<ul style="list-style-type: none"> Change to activity status in Hazard Overlay Zones Alluvial fans
<i>Alan & Pauline Blomfield Family Trust</i> (OS104)		Tabled email (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Alistair & Debra Bowler</i> (OS95)		Tabled email (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Alister William Bales Elliot</i> (OS763)		Tabled email (pre-circulated). Did not appear at hearing.	Alluvial Fans
<i>Anneke Jade Andrews</i> (OS738)	Mr Andrew Robinson, (surveyor, Paterson Pitts Group)	Appeared at hearing.	Land Instability Management and Mapping
<i>B J Douglas Forestry Trust</i> (OS611)	Mr Barry Douglas (representative)	Appeared at hearing. Tabled material (not pre-circulated).	Land Instability Management and Mapping
<i>BA Building Limited</i> (OS989)	Ms Emma Peters (Principal, Sweep Consultancy, representative)	Tabled written statement (pre-circulated). Did not appear at hearing.	Minimum Floor Level Provisions
<i>Barry Douglas and Kowhai Trust</i> (OS607)	Mr Barry Douglas (representative)	Appeared at hearing. Tabled written statement (not pre-circulated).	Land Instability Management and Mapping
<i>Bowen Family Trust</i> (OS1039)	Mr Andrew Robinson, (surveyor, Paterson Pitts Group)	Appeared at hearing.	Land Instability Management and Mapping
<i>BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd</i> (referred to as 'The Oil Companies') (OS634, FS2487)	Ms Georgina McPherson (Principal Planner, Burton Consultants)	Appeared at hearing. Tabled written evidence (pre-circulated and additional evidence provided at hearing not pre-circulated).	<ul style="list-style-type: none"> Sensitivity definitions Change to activity status in Hazard Overlay Zones Key submissions on Strategic Direction Objectives and Policies, and Risk Based Approach

<i>Brendon and Shirlene Pryde</i> (OS1000)		Appeared at hearing.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Brendon and Shirlene Pryde</i> (OS1000)	Mr Nigel Pitts (consulting surveyor, Nigel Pitts & Associates)	Appeared at hearing. Tabled written statement (not pre-circulated). Tabled additional material following hearing.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Bruce Mark Norrish</i> (OS461)		Appeared at hearing. Tabled image (not pre-circulated).	<ul style="list-style-type: none"> • Hazard 2 and 3 (flood) Overlay Zones - Lindsay Creek and Water of Leith • Land Instability Management and Mapping
<i>Bruce McLennan</i> (FS2322)		Tabled email (pre-circulated). Did not appear at hearing.	Hazard 1 and 2 (flood) Overlay Zones - Waikouaiti River, Waitati River and Otokia Creek (Brighton)
<i>Chalmers Properties Limited</i> (OS749, FS2321)	Mr Len Andersen (legal counsel)	Appeared at hearing. Tabled legal submission (not pre-circulated).	Relocatable Building Provisions
<i>Christian Jordan</i> (OS927)		Appeared at hearing.	Land Instability Management and Mapping
<i>Christopher Dean Valentine</i> (OS464)		Appeared at hearing.	Relocatable Building Provisions
<i>Clare Curran</i> (OS1079)		Appeared at hearing.	Hazard 3 (coastal) Overlay Zone
<i>Construction Industry and Developers Association</i> (OS997)	Ms Emma Peters, (Sweep Consultancy, representative)	Tabled written statement (pre-circulated). Did not appear at hearing.	Minimum Floor Level Provisions
<i>D R Anderson</i> (on behalf of D R and A E Anderson, and Anderson Lloyd Trustee Company Limited) (OS65)	Mr Don Anderson, (consultant planner, Anderson & Co Resource Management)	Appeared at hearing.	Land Instability Management and Mapping
<i>David Randle</i> (OS707)		Tabled email (not pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Errol Chave</i> (OS19)		Appeared at hearing.	Land Instability Management and Mapping

<i>Fonterra Limited</i> (OS807)	Ms Brigid Buckley (representative)	Tabled written statement (pre-circulated). Did not appear at hearing.	<ul style="list-style-type: none"> • Minimum Floor Level Provisions • Sensitivity definitions
<i>George A H Kidd</i> (OS675)		Appeared at hearing. Tabled written statement (not pre-circulated).	Alluvial Fans
<i>Gladstone Family Trust</i> (OS249)	Ms Emma Peters, (Sweep Consultancy, representative)	Tabled written statement (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Glenis Kay and Adrian Melvyn Telfer</i> (OS993)		Appeared at hearing. Tabled material (not pre-circulated).	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Glenis Kay and Adrian Melvyn Telfer</i> (OS993)	Mr Nigel Pitts (surveyor, Nigel Pitts & Associates)	Appeared at hearing. Tabled written statement (not pre-circulated). Tabled additional material following hearing.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Grants Motels Ltd</i> (OS961)	Mr Fred Hocken (representative)	Appeared at hearing. Tabled written statement (not pre-circulated).	Relocatable Building Provisions
<i>Harborough Properties Limited</i> (HPL) (OS866)	Mr Justin Stott (Commercial Property Manager, propertyforlease.co.nz, representative)	Appeared at hearing. Tabled written statement (not pre-circulated).	Relocatable Building Provisions
<i>Helen Skinner and Joseph O'Neill</i> (OS312)	Ms Helen (Jane) Skinner and Mr Tony Devereux (representatives)	Appeared at hearing. Tabled written statement (not pre-circulated).	<ul style="list-style-type: none"> • Land Instability Management and Mapping • Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas
<i>Iain Lamont</i> (OS409)		Appeared at hearing. PowerPoint presentation.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Iain Lamont</i> (OS409)	Mr Nigel Pitts (surveyor, Nigel Pitts & Associates)	Appeared at hearing. Tabled written statement (not pre-circulated). Tabled additional written statement following hearing.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Janefields Re-Zone Group</i> (OS1005)	Ms Emma Peters, (Sweep Consultancy, representative)	Tabled statement (pre-circulated). Did not appear at hearing.	Minimum Floor Level Provisions
<i>Jennifer Stadnyk</i> (on behalf of the	Mr Bruce McCrorie (representative)	Appeared at hearing.	Minimum Floor Level Provisions

residents of Soper Road) (OS2454)			
<i>Kenneth John Lawson</i> (OS962)	Mr Don Anderson, (planner, Anderson & Co Resource Management)	Appeared at hearing. Tabled images (not pre-circulated).	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Kerry James Goodhew</i> (OS565)		Tabled email (pre-circulated). Did not appear at hearing.	Hazard 2 (flood) Overlay Zone – Kaikorai Stream
<i>Larry Nichvolodov</i> (OS60)		Appeared at hearing.	Land Instability Management and Mapping
<i>Mark Hanrahan and Megan White</i> (OS50)		Tabled email (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Matthew Schofield</i> (OS405, FS2415)		Tabled letter (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Minaret Resources Limited</i> (OS1049)	Mr Andrew Robinson, (surveyor, Paterson Pitts Group) (Representative)	Appeared at hearing.	Land Instability Management and Mapping
<i>Murray Soal</i> (OS291)		Appeared at hearing. Tabled written statement (not pre-circulated).	<ul style="list-style-type: none"> • Broad Submissions on Hazard Overlay Zones Mapping – Requests to review/adjust/retain hazard overlay zones • Land Instability Management and Mapping
<i>Neil Patrick Johnstone</i> (OS783)		Appeared at hearing. Tabled written statement (not pre-circulated).	Broad submissions on Natural Hazards Management Approach – Requests to remove all hazard overlay zones/submissions in broad opposition to approach
<i>New Zealand Transport Agency</i> (NZTA) (OS881)	Mr Andrew Henderson, (planner, Senior Associate, Planning, BECA)	Tabled written evidence (pre-circulated). Did not appear at hearing.	Management of network utilities and lifeline utilities
<i>Niels Kjaergaard</i> (OS374)		Appeared at hearing. PowerPoint presentation.	Land Instability Management and Mapping
<i>Oceana Gold</i> (New Zealand) Limited (OS1088)	Ms Jackie St John (legal counsel)	Tabled legal submission (pre-circulated). Did not appear at hearing.	Sensitivity definitions

<i>Otago Regional Council</i> (OS908, FS2381)	Mr Warren Hanley (Resource Planner) and Mr Fraser McRae (Director Policy, Planning and Resource Management), representatives)	Appeared at hearing.	<ul style="list-style-type: none"> • Broad submissions on Natural Hazards Management Approach - Requests to remove all hazard overlay zones/submissions in broad opposition to approach • Change to activity status in Hazard Overlay Zones • Broad submissions on Natural Hazards Management (Climate Change) – Requests for amendments to recognise climate change effects on infrastructure
<i>Owhiro River Limited</i> (OS845)	Mr Andrew Robinson, (surveyor, Paterson Pitts Group)	Appeared at hearing.	<ul style="list-style-type: none"> • Alluvial Fans • Flood Minimum Floor Level Mapped Area
<i>Paul Barron</i> (OS224)		Appeared at hearing.	Land Instability Management and Mapping
<i>Peter Gilbert</i> (OS275)		Tabled written statement material (pre-circulated). Did not appear at hearing.	Minimum Floor Level Provisions
<i>Philip Gilbert Williams</i> (OS340)		Tabled email (pre-circulated). Did not appear at hearing.	<ul style="list-style-type: none"> • Hazard 1 and 2 (flood) Overlay Zones - Waikouaiti River, Waitati River and Otokia Creek (Brighton) • Land Instability Management and Mapping
<i>Port Otago Limited</i> (OS737)	Mr Len Anderson (legal counsel)	Appeared at hearing. Tabled legal submission (not pre-circulated).	Relocatable Building Provisions
<i>Property Council New Zealand</i> (OS317)	Mr Alex Voutratzis (representative)	Appeared at hearing. Tabled written statement (not pre-circulated).	<ul style="list-style-type: none"> • Broad submissions on Natural Hazards Management Approach – Requests to remove all hazard overlay zones / submissions in broad opposition to approach • Minimum Floor Level Provisions

			<ul style="list-style-type: none"> • Relocatable Building Provisions • Management of earthworks • Change to activity status in Hazard Overlay Zones • Management of network utilities and lifeline utilities
<i>Raymond and Evelyn Beardsmore (OS429)</i>		Appeared at hearing. Tabled written statement (not pre-circulated).	Alluvial Fans
<i>Richard Devitt Garlick (OS348)</i>		Tabled email (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>Richard Wilden (OS744)</i>		Appeared at hearing. Tabled photos/site plan/schematics (not pre-circulated).	Land Instability Management and Mapping
<i>Robert Francis Wyber (OS394, FS2059)</i>		Appeared at hearing. Tabled written statement (pre-circulated).	<ul style="list-style-type: none"> • Broad submissions on Natural Hazards Management Approach – Requests to remove all hazard overlay zones/submissions in broad opposition to approach • Key submissions on Strategic Direction Objectives and Policies, and Risk Based Approach
<i>Ross Gordon & Patricia Ann Allen (OS784)</i>		Tabled email (pre-circulated). Did not appear at hearing.	Land Instability Management and Mapping
<i>RP & CE Ischia Family Trust (OS418)</i>	Mr Bob Ischia (representative)	Appeared at hearing.	Hazard 1, 2 and 3 (flood) Overlay Zones – Taieri Plains
<i>Sally Fay Peart (OS760)</i>		Appeared at hearing representing Macandrew Bay Community.	Land Instability Management and Mapping
<i>Southern District Health Board (OS917)</i>		Tabled email (pre-circulated). Did not appear at hearing.	Hazard 3 (coastal) Overlay Zone
<i>Thomas Bruce Hendry (OS74)</i>		Appeared at hearing. Tabled written statement (not pre-circulated).	Land Instability Management and Mapping

<i>University of Otago</i> (OS308, FS2142)	Mr Murray Brass (Resource Planner/Policy Advisor, representative)	Tabled written statement (pre- circulated).	<ul style="list-style-type: none"> • Natural Hazard – suggested new definition • Key submissions on Strategic Direction Objectives and Policies, and Risk Based Approach • Minimum Floor Level Provisions • Change to activity status in Hazard Overlay Zones
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16. Appearances for the Dunedin City Council were:

Ms Sarah Valk, Reporting Officer, Dunedin City Council
Mr Paul Freeland, Reporting Officer, Dunedin City Council
Ms Rachel Brooking, legal counsel, Anderson Lloyd
Dr Jean-Luc Payan, Natural Hazards Manager, Otago Regional Council
Dr Ben Mackey, Hazards Analyst (Geological), Otago Regional Council
Mr David Barrell, Engineering Geologist/Geomorphologist, GNS Science
Mr Lee Paterson, Senior Geotechnical Engineer, MWH Global

17. Evidence provided by Ms Valk and Mr Freeland included:

- Section 42 report organised primarily under topic heading where responded to each submission point and addendum dated 19 April 2017
- Opening statement (PowerPoint presentation)
- Revised recommendations (tabled and verbal) responding to each submitter

18. Planning assistance to the Hearing was provided by:

Dr Anna Johnson (City Development Manager)

3.0 Key topics discussed at the hearing or covered in tabled evidence

3.1 Background

3.1.1 Overview

3.1.1.1 Key Resource Management Issues

19. Natural hazards include flooding, alluvial fans, sea level rise, storm surge, landslides and subsidence. Climate change is now a well-recognised phenomenon which is predicted to increase the frequency and severity of natural hazard events. Natural hazards have the potential to create health and safety effects, property damage, and to cause significant social and economic disruption.
20. The current District Plan has no rules specifically managing development in hazard prone areas. At present, development in hazard prone areas in Dunedin is primarily managed through the Building Act 2004 processes, or via subdivision and earthworks consent applications.
21. In Dunedin there are several areas where development has occurred in hazard-prone areas, without adequate consideration of natural hazard risk. As a result, development has often occurred without any mitigation of natural hazard risk, or consideration of residual risk.
22. A related issue is the lack of clear and accessible information in the current District Plan about areas vulnerable to natural hazards. The Dunedin City Council (DCC) does however use the Land Information Memorandum (LIM) process to alert the public to the presence of natural hazards, and the Otago Regional Council (ORC) holds the Otago Natural Hazards Database which contains information on natural hazards in Otago.
23. The RMA requires the DCC, along with the ORC, to control any actual or potential effects of the use, development, or protection of land for the purpose of the avoidance or mitigation of natural hazards (section 31). In undertaking this function, the RMA requires DCC to recognise and provide for the management of significant risks from natural hazards as a matter of national importance (section 6). It also requires DCC to have particular regard to the effects of climate change (section 7). The RMA also states that district plans must give effect to the New Zealand Coastal Policy Statement (NZCPS) and the ORC's Regional Policy Statement.
24. The Proposed Otago Regional Policy Statement (pORPS) (decisions version) contains a suite of policies requiring the identification and management of natural hazards, including sea level rise. The NZCPS (Policy 24) specifically requires the identification of areas in the coastal environment that are potentially affected by coastal hazards, and encourages a precautionary approach with regard to development in coastal areas that could be vulnerable to natural hazards.

3.1.1.2 2GP Provisions as Notified

25. Natural hazard mapping and provisions were included in the 2GP to address these issues, in accordance with the relevant statutory documents. The S42A Report states that the key priority in managing the risks from natural hazards is the protection of people including loss of life, injury, the risk of being cut off from Civil Defence assistance or the failure of key infrastructure required to ensure the health and safety

- of communities. After this the focus was on risk to property such as loss or damage to buildings.
26. As notified, Strategic Direction Objective 2.2.1 stated “The Risk to people, communities, and property from natural hazards, and from the potential effects of climate change, is minimised to that the risk is no more than low”. The policy suite under this objective set up the approach to the management of natural hazards in the 2GP (as notified), as follows.
 27. Flooding, land instability and coastal hazards were identified on the 2GP Planning Map as overlay zones. The 2GP took a risk-based approach to the management of natural hazards in line with the RMA meaning of effect and the pORPS, taking into consideration the likelihood and consequences of natural hazards to determine risk. This resulted in the following overlay zones in the notified 2GP, with a hazard 1 overlay zone having a high level of potential risk and a hazard 3 overlay zone having a low level of potential risk:
 - Hazard 1 (flood) Overlay Zone
 - Hazard 1 (land instability) Overlay Zone
 - Hazard 2 (flood) Overlay Zone
 - Hazard 2 (land instability) Overlay Zone
 - Hazard 3 (flood) Overlay Zone
 - Hazard 3 (coastal) Overlay Zone.
 28. The risk posed by these natural hazards is managed through provisions in the 2GP in the city-wide provisions section. In summary, the provisions as notified:
 - change the activity status of activities if undertaken in a hazard 1 or 2 overlay zone so that they require resource consent, based on the sensitivity of the activity and the level of risk associated with the hazard;
 - use performance standards on permitted and restricted discretionary activities, wherever appropriate, including for hazard 3 overlay zones;
 - provide for natural hazard mitigation activities; and
 - manage subdivision in a way that considers future land use and development.
 29. Performance standards were included in the notified 2GP regarding vegetation clearance, minimum floor levels and relocatable buildings.
 30. In addition, the 2GP as notified included Dune System Mapped Areas and Swale Mapped Areas which were also subject to specific performance standards (e.g. outdoor storage). If the performance standards could not be met then resource consent was required for activities in these areas.
 31. The overlay zones and mapped areas were also subject to earthworks standards.
 32. The s42A Report stated that this approach aimed to strike a balance between enabling people to utilise their property without putting them or important assets at risk if an event was to occur and was considered to give effect to the relevant statutory documents. The s42A Report stated that this approach was considered to be in line with current best practice throughout the country, noting a number of recent district plan review decisions that included the mapping and management of natural hazards.
- ### 3.1.1.3 Legislation Overlap and Relevant Case Law
- #### 3.1.1.3.1 *Relationship between the Building Act and RMA*
33. The s42A Report explored the relationship between the Building Act 2004 and Resource Management Act 1991 with specific focus on the use of minimum floor levels for managing flooding hazards. The report concluded that district plan rules can exceed Building Act requirements only where they are for the protection of other property, as defined in the Building Act.

3.1.1.3.2 *Does the 2GP set a higher requirement for buildings than the Building Code?*

34. The s42A Report considered whether the 2GP set higher levels than the Building Code in relation to minimum floor levels for flood hazard and coastal hazards. In regard to flood hazard in certain locations the 2GP levels may, or may not, exceed Building Code requirements depending on whether they were included in the Flood Minimum Floor Level Mapped Areas where specific calculations had been undertaken, or were subject to default minimum floor levels. The coastal minimum floor levels were considered to be consistent with the Building Code.

3.1.1.3.3 *Application of the Building Code requirements in Dunedin*

35. The Building Act 2004 controls the building of houses and other buildings in New Zealand, and states how a building and its components must perform. DCC has the ability to manage the performance of a building as well as any associated infrastructure.
36. In regard to land instability, the s42A Report states that DCC is able to request that building consent applications provide geotechnical investigation in order that stability can be assessed.
37. In regard to flood hazard, in order to meet Building Code requirements, specific buildings must be designed in a way that prevents surface water from a 1 in 50-year event (2% Annual Exceedance Probability) entering the building.
38. Building consent is issued when it is proven that the planned work will meet all standards of the Building Code. DCC has the ability to decline an application for building consent if the standards prescribed in the Building Code are not met.

3.1.1.3.4 *Decisions in other District Plans*

39. Auckland, Christchurch and Hamilton councils have recently released decisions on their district plans. All of these councils manage flood hazard in some form, including by mapping flood hazard areas and including minimum floor level requirements. They also all include controls regarding new buildings/additions and alterations to existing buildings within flood hazard areas.
40. Further, they all manage land instability, with the activities being managed differing between councils. Controls include managing additions to buildings and structures, earthworks and vegetation clearance.
41. Only Auckland manages coastal hazards in regard to erosion, inundation and defences against coastal hazards.

3.1.1.3.5 *Case Law*

42. The relationship between the RMA and Building Act has been considered by the courts on a number of occasions (refer s42A Report for details), most recently through the decisions on the Auckland Unitary Plan. The Auckland Panel placed weight on s18 of the Building Act and considered that controlling building work which, with the exception of controls to protect other property from the effects of surface water, is solely within the ambit of the Building Act². Consequentially they removed minimum floor level requirements for urban areas already zoned for development, but retained them as a structure plan requirement for greenfield areas.

² IHP Report to Auckland Council Overview of recommendations on the proposed Auckland Unitary Plan, 22 July 2016, Section 5.3.

3.2 Context

3.2.1 2GP Mapping – Expert Reports

43. The ORC and DCC have overlapping functions under the RMA in relation to natural hazards, and both councils hold information on natural hazards in Dunedin. The ORC also employs staff with considerable experience in the field of natural hazards.
44. A joint DCC and ORC project to identify the characteristics and likely geographical extent of natural hazards within the Dunedin City District began in 2013, with one of the primary goals being to support the development of the 2GP in relation to natural hazards.
45. In support of this, the ORC carried out, or commissioned other experts to carry out, investigations into natural hazard risk based on the best available information, and building on previous work by ORC or other experts. The investigations focused on flooding, land instability and coastal hazards. DCC also commissioned work regarding natural hazards.
46. This resulted in the following reports that describe and map areas vulnerable to natural hazards based on a range of information, including previous investigations, observations, local knowledge, national guidance, and from information obtained through the 2GP consultation and submission processes:

General:

- Review of Dunedin City District Plan – Natural Hazards: Project Overview (ORC, June 2014)
- Review of Second Generation District Plan, Chapter 17 (Geoconsulting Ltd, 20 May 2014)
- Management of earthworks and vegetation clearance in natural hazard areas (Opus, March 2015)
- Earthworks Advice for the Revised DCC 2nd Generation District Plan (MWH, letter dated 22 July 2015)

Land instability:

- Attributing and reconciling Source of Landslide data within the Dunedin City Council area (GNS, 2012)
- The hazard significance of landslides in and around Dunedin city (GNS, January 2014)
- Assessment of liquefaction hazards in the Dunedin City district (GNS, 2014)
- Identification of areas possibly susceptible to land sliding in the coastal sector of the Dunedin City district (GNS, 2015)
- Active Landslides in the Dunedin Area (ORC, October 2015)
- Revised landslide database for the coastal sector of the Dunedin City district (GNS, 2017)

Flood/alluvial fans:

- Flood hazard of Dunedin's urban streams (ORC, June 2014)
- Flood hazard on the Taieri Plain and Strath Taieri (ORC, June 2014)
- Flood hazard on the Taieri Plain and Strath Taieri, Revision 1 (ORC, August 2015)
- Extent and characteristics of alluvial fans in the north-eastern sector of the Taieri Plain, Otago (GNS, March 2015)
- Dunedin City Council – Review of ORC Flood Hazard Advice – Peer Review Report – March 2015 (GHD, 2015)

Coastal:

- Coastal hazards of the Dunedin City District (ORC, 2014)

Minimum floor levels:

- Methodology for Determining Minimum Floor Levels (MWH, Dec 2011)
- Dunedin City Council, Minimum Floor Levels for Flood Vulnerable Areas (GHD, March 2015)

3.2.2 Natural Hazards Pre-Hearing Meeting

47. Following notification and submissions on the 2GP, a pre-hearing meeting on the topic of natural hazards was held on Wednesday 7 December 2016 to present draft updated hazard maps and revised planning recommendations to submitters. All draft revised mapping was available to the public on the 2GP website.
48. Revised flood hazard maps were presented at the meeting with the Reporting Officers making particular note of the reduction of extent in some areas, and the proposal to provide a separate overlay zone for those areas identified at risk from alluvial fan flood hazard. Dr Jean-Luc Payan of ORC discussed the flood hazard mapping methodology. Submitters raised concerns about the methodologies and assumptions, and where river maintenance responsibilities lie.
49. Revised land instability maps were also presented at the meeting, with particular note made of the reduction of extents, including the removal of the 'buffer' areas. Dr Ben Mackey of ORC discussed the mapping methodology and requests were made for mapping source information by submitters. Concerns were raised regarding the initial extents of the maps and implications in regard to process, with submitters concerned about what information would appear on LIM reports. The Reporting Officers noted their revised recommendations included to remove resource consent requirements in hazard overlay zones (for land use activities), but to retain earthworks and vegetation clearance requirements.
50. In regard to the Hazard 3 (coastal) Overlay Zone, revised maps with minor amendments were presented and the mapping methodology was explained by Dr Ben Mackey of ORC.

3.2.3 Natural Hazards Hearing

3.2.3.1 DCC and ORC Evidence

51. A large amount of evidence was considered at the natural hazards hearing, including expert technical evidence from the ORC and GNS, planning evidence from the DCC, planning evidence from ORC (as submitter), and lay evidence from submitters.
52. We understand that roles were clearly defined between DCC and ORC, and within ORC itself as follows:
 - Dr Jean-Luc Payan (Manager, Natural Hazards) and Dr Ben Mackey (Hazards Analyst – Geologic) from the ORC Natural Hazards team provided expert technical advice and evidence regarding flooding, alluvial fans, land instability and coastal hazards in order to support the technical basis of the 2GP mapping. This included providing comments on the extents, characteristics, likelihood and consequences of the hazards. We note that Mr David Barrell of GNS Science also provided expert technical advice and evidence regarding land instability. Essentially, these parties acted as experts for the DCC.
 - The DCC Reporting Officers determined the appropriate management approaches to be applied to the areas identified by Dr Payan, Dr Mackey and Mr Barrell, utilising the technical information supplied.

- Mr Fraser McRae and Mr Warren Hanley from the ORC Policy team made a submission on the 2GP and gave evidence on the ORC policy perspective to the management approaches recommended by the DCC Reporting Officers.
53. This separation allowed for the DCC and ORC planning evidence to differ even though they were both based on the same underlying technical evidence.
 54. At the Natural Hazards Hearing, the ORC natural hazards staff provided evidence on the methodologies used to determine the hazard extents and risk categorisation, and advised of any amendments they considered necessary following review of submissions.
 55. Dr Jean-Luc Payan provided evidence on the Hazard 1, 2 and 3 (flood) Overlay Zones and Swale Mapped Areas in relation to the Taieri Plain, in evidence titled *Taieri Plain Flood*, 15 February 2017. He also gave a PowerPoint presentation on the approach to the urban stream flood hazard mapping.
 56. Dr Ben Mackey provided evidence on:
 - Hazard 1 and 2 (land instability) Overlay Zones, in evidence titled *Land Instability*, 2 February 2017
 - Hazard 1 and 2 (flood) Overlay Zones in relation to coastal areas, in evidence titled *Coastal Flood Areas*, 13 October 2016
 - Hazard 2 and 3 (flood) Overlay Zones in relation to urban streams, in evidence titled *Urban Stream Flood Hazard*, 2 February 2017
 - the Hazard 1 (flood) Overlay Zone in relation to Strath Taieri, in evidence titled *Strath Taieri Flood*, 24 August 2016
 - Hazard 3 (coastal) Overlay Zones, in evidence titled *Coastal Hazards*, 6 October 2016
 - Alluvial fan hazards, in evidence titled *Alluvial Fans*, 16 February 2017.
 57. David Barrell gave a PowerPoint presentation on the revised landslide database for the coastal sector of the Dunedin City district in order to explain the mapping methodologies.
 58. Mr Lee Paterson also attended the hearing to provide advice to the Panel regarding the process used to include information in Land Information Memoranda, particularly in regard to submissions received regarding land instability.

3.2.3.2 Submissions on the overall approach to natural hazard management

59. A number of submitters spoke generally about the overall approach taken in the 2GP to the management of natural hazards. Submitters raised concerns about the need for, and accuracy of, the natural hazard mapping and the provisions applying to them unnecessarily hampering development. There were also general comments made about the need to take into account climate change and better align the 2GP with the pORPS regarding natural hazards.
60. We note that during the hearing Ms Rachel Brooking (DCC legal counsel) advised of the changes to the RMA in regard to 'the management of significant risks from natural hazards' becoming a matter of national importance.
61. In regard to the risk based approach in the policies there was general support for the recommended amendments to the policy framework and associated explanatory material. However, some submitters still had concerns with specific policy wording (e.g. the use of the wording 'only allow') being too strong and absolute given the inherent element of uncertainty in natural hazard risk where a broad range of management approaches are available.
62. There was overall support for the recommended amendments to the definitions of 'sensitive activities' and 'potentially sensitive activities', with the exception of where service stations (which the Reporting Officers made a revised recommendation on).

63. In regard to the Reporting Officers' recommended amendments to policies and change to activity status tables in order to not differentiate between activities dependent on whether they were permitted in the underlying zone or not, submitters generally agreed with this change of approach. However, a few submitters raised concerns about the Reporting Officers' recommended amendments not differentiating management approaches depending on whether the activity was considered to be 'sensitive' or 'potentially sensitive'.
64. Regarding the activity status of 'sensitive activities' in certain Hazard 1 (flood) Overlay Zones, the ORC (as submitter) were of the opinion that the activity status should be prohibited, instead of non-complying. The Reporting Officers recommended amendments to the non-complying assessment matters in this regard, and submitters commented on this wording at the hearing.
65. A number of submitters spoke about the vegetation clearance rule in relation to land stability areas. They, considered that amendments were required to enable routine vegetation clearance activities (such as farming and the removal of pest plants), and to make it more permissive (e.g. in terms of area limits).
66. Also, submitters supported amendments to provisions in regard to network utilities, but sought further clarification on some specific provisions.

3.2.3.3 Submissions on flooding

67. Submitters raised concerns about the flood hazard mapping methodologies, with site specific concerns being raised regarding mapped flood extents. A number of the submitters had specific concerns regarding the flood hazard mapping for Frasers Creek, Kaikorai Valley, and the implications of the mapping in regard to planning provisions.
68. Submitters also raised concerns about the alluvial fans extents (mapped as flood hazard overlay zones) and the implications of these overlays. However, submitters were supportive of separating the alluvial fans into their own overlay zone category, and applying a hazard 3 risk categorisation.
69. Submitters were supportive of the Reporting Officers' recommended changes to the flood hazard overlay zone map extents. There was also general support from submitters regarding the Reporting Officers' recommendations to remove the flood minimum floor level provisions.
70. A number of submitters raised concerns about new development increasing flood risk, particularly in Mosgiel.

3.2.3.4 Submissions on land instability

71. Submitters raised concerns about the land instability mapping methodologies and extents. Submitters generally commented on specific properties and the implications of the mapping.
72. However, a number of submitters (who mainly tabled emails) supported the recommended amendments to the land instability overlay zones and associated provisions. At the hearing there were two requests to include additional areas within the land instability overlay zones. Some submitters remained concerned about what land instability information would still be available via LIM reports.
73. A number of submitters were particularly concerned about the vegetation clearance performance standard applying to the land instability overlay zones, considering that it was too restrictive.

3.2.3.5 Submissions on coastal hazards

74. Submitters raised general concerns about the Hazard 3 (coastal) Overlay Zone mapping and management approach, particularly in relation to the South Dunedin

area. They were concerned about the timing and process being used to implement the provisions, considered there were bigger issues to be dealt with, and the long-term solution for South Dunedin needed to have a wider focus (e.g. urban land supply and social implications).

75. Particular concerns were also raised by submitters about the relocatable building rule and assessment matters. There was support for the changes recommended by the Reporting Officers; however, submitters considered that further amendments were required.
76. There was support for the recommended mapping amendment in regard to the Dunedin Hospital site.

3.2.3.6 Consideration of submitter evidence

77. A large number of submitters appeared at the hearing. They spoke mostly about specific properties, but also expressed concerns about broad issues such as the principle of imposing restrictions when there is considerable uncertainty about the risk. Many submitters questioned the accuracy of the mapping of boundaries to the hazard overlays.
78. In their original submissions and at the hearing submitters provided opinions, anecdotal information, diagrams, photographs and other information in support of their requests to amend the hazard overlay zones.
79. No expert evidence about hazard risks was provided by submitters, but we still found their evidence and arguments useful. Prior to the hearing the Reporting Officers sought advice and comment from the ORC hazard risk experts on the points raised in the submissions. This resulted in more site visits, evaluation of information provided in the original submissions, and recommendations from the experts for considerable reductions in the extent of the hazard overlays, as discussed below.

3.3 Broad Submissions on Natural Hazards Management Approach/Hazard Overlay Zones Mapping

3.3.1 Submissions

3.3.1.1 Requests to remove all hazard overlay zones / submissions in broad opposition to approach

80. There were 13 submitters³ who generally requested that all hazard overlay zones be removed or opposed the broad approach. The submitters requested a number of specific decisions including review of the provisions within a quantitative cost/benefit analysis, amending the approach and revising risk levels.
81. The submitters provided a variety of reasons for their requests including that the reports were of a generalised nature, the information used is not fit for purpose, overlay zones are inclusive and do not accurately reflect the risk, the approach is unfair with an inappropriate emphasis on avoidance, and the Section 32 Report is inadequate.
82. There were four further submitters who supported a number of the original submissions as they agreed with the reasons provided by the original submitters.
83. ORC (FS2381) also made a further submission opposing some of the original submissions, requesting that the Hazard 1 and 2 (land instability) Overlay Zones be

³ See s42A Report, Section 4.1.4, for list of submitters.

retained while acknowledging they were undertaking additional work to refine the mapping.

3.3.1.2 Requests to review/adjust/retain hazard overlay zones

84. Several submitters⁴ made a variety of requests in regard to the hazard overlay zones generally, including requests to review hazard overlay zones, review data measurements and analysis that underlie the hazard provisions and maps, adjust the maps to better reflect actual risk, and to implement a more robust process to record and map natural hazards. There were also requests to retain the Hazard 1 and 2 (flood) Overlay Zones.
85. The submitters' reasons included inaccurate mapping, concerns about the maps accurately capturing the relative risks, implications of the overlay zones, and implications on insurance premiums and property values. Submitters also stated that mitigation could be undertaken to limit (if not avoid) perceived risk, and that maps need to be able to be updated using a robust, timely and cost-effective process.
86. A number of submitters supported the requests by the original submitters for similar reasons. The ORC opposed a number of these submissions as they considered the mapping and characterisation in the 2GP was valid and fit for purpose, while acknowledging scope for some adjustments.

3.3.2 s42A Report Recommendations

87. The Reporting Officers advised that the information used had been prepared by suitably qualified professionals, and peer review of information had been undertaken where considered necessary; was the best available information available at the time of notification of the 2GP and went through a robust and fit for purpose process; and the management approach applied to the hazard overlay zones acknowledges the scale of the information and is a flexible approach to which some amendments have been recommended (s42A Report, Sections 4.1.4, p.49 and 7.2.1, p.232).
88. They stated that the 2GP takes a risk-based approach which is used by many other district councils, and is consistent with AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines and the pRPS.
89. Further, they noted that there is a lack of public awareness of natural hazards, and by including hazard overlay zones in the 2GP that awareness of natural hazards and the risk that they pose will be increased; and that maps can be updated through the plan change process.
90. The Reporting Officers also stated that following notification of the 2GP, ORC and GNS Science were provided access to the original and further submissions received in relation to the hazard overlay zone maps, and that after reviewing the submissions, ORC recommended amendments to the overlay zones. The Reporting Officers relied on the technical evidence provided by ORC in regard to the proposed amendments, and recommended that all hazard overlay zones remain in the 2GP, subject to amendments to extents, risk categorisation and hazard descriptions (as discussed later in this report), and subject to their recommended amendments to the management approach.

3.3.3 Hearing Evidence

91. *Mr Neil Patrick Johnstone (OS783)* appeared at the hearing on the 20th and 27th of April 2017, and tabled a written statement (not pre-circulated). Mr Johnstone is a semi-retired civil engineer with experience in relevant fields, and noted his previous involvement with flood hazard in the Leith and Clutha catchments. Mr Johnstone stated that his main purpose in appearing was to bring to our attention the deficiency

⁴ See s42A Report, Section 7.2.1, for list of submitters.

- of the evidence being used, particularly regarding land instability with concern that site visits had not been carried out when undertaking the mapping.
92. In regard to the Water of Leith and Lindsay Creek flood hazards, his main point was that the methodology used to create the hazard overlay zones was not sufficient and he considered the work should be redone. He considered that the risk associated with the Water of Leith (particularly around the Woodhaugh Gardens) had been understated, and that the upper Water of Leith was bordering on extreme hazard risk.
 93. He also spoke in regard to South Dunedin stating that: groundwater is not the prime cause of flooding, main issues in 2015 were due to infrastructure failure/inadequate use of pumping stations; there is misunderstanding of the situation (when groundwater is referred to people think sea level rise); ORC groundwater modelling is not calibrated; there are ways to deal with sea level rise (noting that projections are alarmist); there is a link between sea level and groundwater in places; it is premature to require relocatable housing until more is known; and it is good to have a process that informs people of the risk, but it needs to be a balanced view.
 94. Mr Warren Hanley (Resource Planner) and Mr Fraser McRae (Director Policy, Planning and Resource Management) appeared at the hearing representing the *Otago Regional Council* (OS908, FS2381). Mr McRae noted the recent changes to section 6 of the RMA in regard to consideration of natural hazards, stating that the government is raising concerns regarding natural hazards and community safety and is looking for lesser order documents to implement higher order documents. He stated that there is an expectation that the RPS will take that lead and that the district plan will 'pick up' the RPS and so forth. Mr McRae was of the opinion that this will greatly reduce the need for the ORC to get involved in resource consent applications.
 95. On questioning, Mr Hanley spoke to the *ORC's* further submissions in opposition to original submissions regarding hazard overlay zone mapping. Mr Hanley stated that due to the further work that has been undertaken they supported the Reporting Officers' recommendations for revised mapping.
 96. Mr Alex Voutratzis (Director Policy and Advocacy) appeared at the hearing representing the *Property Council New Zealand* (OS317), and tabled a written statement. He was supported by Mr Stephen Cairns. Mr Voutratzis discussed the role of the Property Council and its membership generally. He acknowledged that Dunedin has a history of flooding and is potentially vulnerable to climate change so they are aware of the need for balance between managing and reducing the effects of natural hazards and the sensitivity of activities. While he believed that the proposed provisions were better than notified, he noted that the Property Council still had concerns.
 97. Mr Cairns stated that while the Property Council were supporting DCC, the matters were not black and white and that they could not rest easy, noting that developments also have other requirements they will have to meet, citing minimum floor level requirements as an area of possible duplication.
 98. *Robert Francis Wyber* (OS394, FS2059) appeared at the hearing and tabled a written statement. He stated that he generally supported the Section 32 and Section 42A Reports regarding South Dunedin and Mosgiel. However, he considered that the long-term solution for South Dunedin and other low-lying areas of the city will require a new approach, a rethinking leading to public acceptance of how these areas are planned and serviced, or even if there should be 'sensitive development' at all.
 99. He also considered that current land use activities will need to be reconciled with future risks, and as Dunedin city will be one of the most adversely affected urban areas in NZ, the city may have to lead the way, to and with, central government.
 100. He was of the opinion that decisions relating to inundation prone land should be in the form of a defensible 'holding action' to give councils time to undertake core research and options assessment and allow for public input; and the future of the

South Dunedin area is a political decision, not a 2GP issue (the 2GP should be the tool to implement the political decision).

101. He stated that he opposes intensification of South Dunedin at this stage; urban land supply must be considered now (flatter hazard free land should be zoned for development now so that the transition happens in waves, voluntarily); and that different issues/solutions may be required for different areas e.g. South Dunedin and Mosgiel are different.
102. Further, he supported requiring relocatable buildings and considered that minimum floor levels alone are not the answer. He noted the insurance implications of being identified as subject to a hazard.
103. *Mr Wyber* requested the following decisions:
- that the Panel suggests to the DCC that it investigate and commence the process of large scale public acquisition of land for a relocated future part-city
 - ensure the 2GP decisions are holding positions, defensible in the Environment Court to allow time for the following:
 - re-do the strategic directions public engagement and then consultation for Inundation Hazards, South Dunedin and Urban Land Supply
 - engagement should begin at a holistic level and include the economic future of Dunedin as well as wider hazard matters, the future of South Dunedin and future residential location
 - advise the public of the significance of these holistic issues and ask the public specific big picture questions
 - provide a wide range of options for the public to consider, assess and submit on
 - zone or rezone hazard-free land specifically for the housing needs of vulnerable groups, including the special needs of the elderly and infirm.
104. *Mr Murray Soal* (OS291) appeared at the hearing and tabled a written statement. He spoke specifically about flood hazard overlays affecting Glenross Street in Kaikorai Valley, the Leith/Lindsay areas and Waitati as he was concerned about the accuracy of the mapping in these areas. He noted that if the approach taken was too precautionary that it could affect the costs of, and ability to gain, insurance.
105. Ms Valk noted that some of *Mr Soal's* concerns had been addressed through the revised mapping undertaken by ORC, and provided the Waitati floodplain as an example.

3.3.4 Decision and Reasons

106. For the reasons set out below we reject the submissions seeking to remove all hazard overlay zones and accept or reject further submissions supporting or opposing those submissions accordingly: *Murray Cumming* (OS407.1) opposed by ORC (FS2381.143), *Shane Dowd* (OS509.1) opposed by ORC (FS2381.148), *Jane Duthie* (OS528.2), *Blueskin Projects Ltd* (OS739.1) supported by *Otago Land Group Ltd* (FS2149.24), *Nichols Property Group Ltd*, *London Realty Ltd*, and *Home Centre Properties Ltd* (all FS2173.20), and *Neil Patrick Johnstone* (OS783.1) opposed by ORC (FS2381.197).
107. For the reasons set out below we accept in part submissions and further submissions to amend the overlay zones and management approach: *Knox and Salmond Colleges Board* (OS182.11) supported by *Property Council NZ* (FS317.37) and *Robert Wyber* (FS2059.25), *Trudy Lee* (OS328.1), *Peter William Thomas* (OS422.1), *Craig Horne Surveyors Ltd* (OS704.1) opposed by ORC (FS2381.181), supported by *Otago Land Group Ltd* (FS2149.23) and *Nichols Property Group Ltd*, *London Realty Ltd*, *Home Centre Properties Ltd* (all FS2173.19), and *Otago Business Park Ltd* (FS2178.7), *CTW Holdings Ltd* (OS742.1) supported by *Otago Land Group Ltd* (FS2149.25), *Nichols Property Group Ltd*, *London Realty Ltd*, *Home Centre Properties Ltd* (all FS2173.21), and *Otago Business Park Ltd* (FS2178.9), *G & J Sommers* (OS89.3) opposed by ORC (FS2381.208),

108. As detailed by the *ORC*, recent amendments to the RMA require the management of significant risks from natural hazards. The information used to map hazard overlay zones in the 2GP, includes technical reports undertaken by suitably qualified technical professionals (which in many instances have been through a peer review process) for the purpose of applying a management approach. We are satisfied that the hazard overlay zones mapping is the best available information and is now as up to date and accurate as possible.
109. 2GP hazard mapping was undertaken using the best available information at the time of plan preparation and since then has been through a review and amendment process, and amendments to the management approach and hazard overlay zone extents as discussed further in this decision assist to address submitter concerns.
110. We refer to the decisions on the overlay zones mapping for decisions on specific properties, and the rest of this decision in regard to the management approaches.

3.4 Key Submissions on Strategic Direction Objectives and Policies, and Risk Based Approach

111. Objective 2.2.1 gives the overall strategic direction objective in terms of natural hazards management in the 2GP. The related policies under Objective 2.2.1 also generally refer to the goal of having risk "no more than low", as do most of the policies under Objective 11.2.1 (although this objective refers to "minimised"). The 2GP defines 'low risk', as well as 'moderate risk', 'high risk', 'minor consequences', 'moderate consequences' and 'major consequences'.
112. Guidance on the concept of risk is provided in the introduction to the natural hazards section in sub-section 11.1.2. Sub-section 11.1.2 (Guidance on risk) provides a commentary on the approach taken to natural hazard risk in the 2GP and provides some explanation to Table 11.1 (Risk Guidance).

3.4.1 Wording of Objective 2.2.1

113. *Mr Robert Francis Wyber* (OS394.6) sought that Objective 2.2.1 be amended as follows:
- "The risk to people, communities, and property from natural hazards, and from the potential effects of climate change, is mitigated or minimised so that the risk is no more than low".*
114. He considered that the proposals were anti-affordable housing and drastically curtail the opportunity for new residential development.
115. The Reporting Officers advised that mitigation is a way to achieve minimisation, and so is encapsulated in that outcome, but agreed that the objective is inconsistent as it gives two outcome statements: 'minimised' and 'no more than low'. As such, they recommended that Objective 2.2.1 be amended to only refer to 'no more than low' in order to provide consistency with the policies in Section 11 of the 2GP (s42A Report, Section 4.2.1, p.102).
116. *Mr Wyber* (OS394.6) appeared at the hearing and tabled a written statement requesting that Objective 2.2.1 be amended as per his original submission. He did not elaborate on this request at the hearing or in his tabled written statement.

3.4.1.1 Decision and Reasons

117. We accept, in part, the submission of *Mr Wyber* (OS394.6) and agree with the relief recommended by the Reporting Officers for the reasons provided by them above, however we have amended the wording of Objective 2.2.1 to more simply read:

The risk to people, communities, and property, from natural hazards, ~~and from considering~~ {NH 394.6} the potential effects of climate change, ~~is minimised so that the risk~~ {NH 394.6} is no more than low.

118. This amendment is shown in Appendix 1 and attributed to submission point NH 394.6.
119. We have given particular consideration to this and other suggestions made by Mr Wyber because although he chose not to appear at the 2GP hearings as an expert witness, we are conscious that he is a former head of the Council's planning department and has considerable experience with planning issues in the context of Dunedin.

3.4.2 'No more than low' test in Objective 2.2.1 and associated policies and provisions

3.4.2.1 Submissions

120. A number of submitters⁵ made requests in relation to the 'no more than low' test in Objective 2.2.1 and associated policies and provisions seeking a range of amendments generally requesting that the 'no more than low' test be amended as they considered it to be too stringent. The s42A Report grouped the submissions using the following headings, under which we have provided a high-level discussion of the submissions, followed by an overall decision due to the interlinked nature of these requests.

3.4.2.1.1 Requests to reduce or clarify the 'no more than low' test in Objective 2.2.1 and associated policies and provisions

121. Several submitters sought some form of amendment to the policy test of 'no more than low' with specific requests including to change the test to 'minimise to the lowest practicable level', 'to an acceptable level', or to be more realistic. The submitters indicated that the 'no more than low' test, when considered in conjunction with Table 11.3 (Risk within hazard overlay zones) and the introductory material on risk guidance was too stringent, and did not provide flexibility for site specific consideration of risk, and options of mitigation and design to reduce risk.

3.4.2.1.2 Requests to amend wording of policies under Objective 11.2.1 that use 'no more than low'

122. *Liquigas Limited* (OS906.18 and OS906.19) sought that policies 11.2.1.12 and 11.2.1.19 be amended by replacing 'no more than low' with 'remedied or mitigated' in order to improve alignment with the focus of s5 of the RMA and to ensure the latter policy wasn't unnecessarily restrictive. They were supported by *The Oil Companies* (FS2487.47).

3.4.2.1.3 Requests to amend Table 11.1

123. Five submitters and two further submitters made submissions on Table 11.1 (or associated policies) requesting amendment as they considered that Table 11.1 made the 'no more than low' test too stringent due to the proposed risk matrix and their link to associated definitions. Alternatively, submitters requested amendments to the policies to relax the 'no more than low' test.
124. Submitters provided a range of reasons for their requests including: the table overstated risk for 'very likely' events; the risk category should not be more severe than the consequences; it will not always be practicable or appropriate to manage risk to levels that are 'no more than low' (including in terms of how 'low risk' is

⁵ See s42A Report, Section 4.2.1, for list of submitters.

defined in Table 11.1); and that the policy and rule test of 'no more than low' was too onerous.

3.4.2.1.4 *Requests to amend policies to "remedy or mitigate" after the word "avoid"*

125. *The Ministry of Education (OS947.3)* who sought that policies 11.2.1.1 to 11.2.1.20 be amended by adding "remedy or mitigate" after the word avoid, as they considered that the policies did not recognise that appropriate expert input can be used to remedy and mitigate the risk. They were opposed by the *Department of Conservation (FS2379.6)* who did not consider the requested amendment to be appropriate in all circumstances (e.g. coastal areas where this would fail to give effect to the NZCPS).

3.4.2.2 s42A Report Recommendations

126. The Reporting Officers acknowledged that there was a lack of clarity about how the 'no more than low' policy test can be met based on the risk classifications that have been provided for different hazard overlay zones in Table 11.3, and that this has caused some confusion and concerns. They also accepted that risk guidance in Table 11.1 seems to make it impossible to meet the test of low risk under several scenarios, including in cases of very likely events with minor consequences, or moderately likely events with moderate consequences (s42A Report, Section 4.2.1, pp.103–108).
127. Overall, the Reporting Officers acknowledged that when the policy test is considered in conjunction with the risk guidance material (and Table 11.1 Risk Guidance) that the approach appears stringent and inflexible and, as such, proposed a number of amendments to clarify and build more flexibility into the provisions. They noted that although their recommended amendments were different to those requested, they were designed to achieve the same outcomes in terms of making the provisions more flexible and less stringent.
128. They favoured these recommendations over changing the policy test from 'no more than low' to 'minimise to the lowest practicable level' or, 'to an acceptable level' for the following reasons.
129. The concept of minimise is a relative, rather than absolute concept, in that the remaining level of risk will be highly variable depending on how much minimisation is possible (or practicable if that qualifier is used) depending on the site and nature of the activity (and cost/benefit if practicable). This means in some circumstances what is achieved through minimisation may still have a level of residual risk that is moderate or high (and therefore still not acceptable) and in some cases it may be very low (and lowered beyond that which others are required to achieve). This is both potentially unfair and ineffective at times. Equally a subjective outcome like "acceptable" will result in large variation in terms of outcome, as it requires decision-makers to individually determine acceptable levels of risk.
130. They also disagreed with the request to change the policy test to 'avoid, remedy, or mitigate', for the reasons outlined in the Plan Overview s42A Report including that it provides no clear direction in terms of acceptable threshold or outcome that would achieve the objective and merely parrots the RMA.
131. They stated that they favoured 'no more than low' as it is an absolute and objective bottom line based on a concept of risk that considers likelihood and consequences according to the matrix in Table 11.1.
132. To address the submitters' concerns they recommended a number of amendments including:
- amending the definition of low risk and Table 11.3 to clarify the level of risk is determined by the potential for risk based on location, as well as any mitigation measures proposed to reduce the level of risk;
 - amending the introduction that also clarifies how risk levels can be reduced through mitigation measures;
 - amending the definition of moderate and major risk to have a higher bar (as the previous definition may have captured too many activities, for example common

- heavy rainfall or hail events could have some risk of injury or near misses or even structural damage to any part of the city that bore the brunt of the event); and
- amendments to Table 11.1.

3.4.2.3 Hearing Evidence

133. Mr Murray Brass (planner) pre-circulated a written statement and appeared at the hearing representing the *University of Otago* (OS308, FS2142). In regard to the risk based approach, he supported the Reporting Officers' recommendation. However, he stated that should we choose to revise provisions as a result of other submissions, that he still considered it appropriate to avoid unnecessary restrictions or impositions being triggered where consequences are only minor.
134. Ms Georgina McPherson (consultant planner) also pre-circulated evidence, and appeared at the hearing representing *The Oil Companies* (OS634, FS2487). She also tabled additional material at the hearing.
135. In regard to the risk based approach, Ms McPherson supported the general intent of changes; did not support the requirement to manage risk that it is 'no more than low', or the use of the wording 'only allow' in the policy framework; and requested that the policy framework be redrafted to be consistent with the pRPS approach.
136. In regard to policies seeking risk to be avoided, or no more than low, Ms McPherson supported the intent of the Reporting Officers' recommended amendments, but still had concerns. She stated that the RMA is not a no risk statute, natural hazard risk is hard to quantify, and requirements for avoidance is problematic if you are in an area subject to hazards. She considered the policy wording to be very strong and absolute and stated that the approach is too strong given the inherent element of uncertainty of natural hazard risk where a broad range of management approaches are available.
137. The Reporting Officers responded to Ms McPherson stating that they considered the use of the term 'no more than low' will take into account the ways that risk can be minimised as suggested by the submitter, and that the recommended amendments to relevant provisions and explanatory text clarify that.
138. The Reporting Officers, in their revised recommendations, also recommended adding a new note under Table 11.1 to provide further detail on likelihood and annual exceedance probability.

3.4.2.4 Decision and Reasons

139. Generally, we accept, in part, these submissions and agree with the relief recommended by the Reporting Officers subject to minor wording amendments for clarity and consistency. We consider that the objectives and policies should not be undermined by 'do your best' wording, for the reasons provided by the Reporting Officers above. Special circumstances can always be addressed through the resource consent process.
140. The amendments are shown in Appendix 1 and attributed to submission points as follows:
- Definition of low risk (NH788.1 and others)
 - Table 11.3 title (NH788.1 and others)
 - Note under Table 11.3 (NH788.1 and others)
 - Section 11.1.1 and 11.1.2 (Introduction) (NH360.219)
 - Definition of moderate consequences (NH788.1, NH876.2 and others)
 - Definition of major consequences (NH788.1 and others, NH876.2 and others)
 - Table 11.1 (NH308.231)
 - Policy 11.2.1.5, Policy 11.2.1.11, Policy 11.2.1.12, Rule 11.7.3.2.b.iii (NH908.3)
 - Policy 2.2.1.3 (NH788.1 and others).

141. We note that the amendments to the Introduction differ slightly to those proposed by the Reporting Officers, as we have made minor changes to the Introduction to improve readability, including clause 16 amendments. This includes moving the text from the recommended note under Table 11.1 to the Introduction.

3.5 Sensitivity Definitions

142. As outlined in the s42A, the 2GP's natural hazards provisions rely on a classification of sensitivity for land-use activities. The sensitivity is classified according to the consequences that may occur as a result of a natural hazard event. This sensitivity classification draws from, and broadly corresponds to, the Building Importance Levels defined in the Building Amendment Regulations 2012.
143. In the notified 2GP there are three levels of sensitivity: sensitive, potentially sensitive and least sensitive. The categories are based on factors such as the numbers of people likely to be on sites, and whether the activity involves sleeping overnight (which complicates evacuation).
144. The definitions are used in the change to activity status in hazard overlay zone tables, which are found in the management and major facility zone sections of the 2GP.

3.5.1 Submissions and s42A Report Recommendations

3.5.1.1 Requests to retain sensitivity definitions

145. *Fonterra Limited* supported the definitions of Sensitive Activity (OS807.6), Sensitive Activities (OS807.7), Potentially Sensitive Activity (OS807.4) and Potentially Sensitive Activities (OS807.3) as they considered that provisions in the 2GP rely on the interpretation in the definitions, and therefore having the definitions is appropriate.
146. *Federated Farmers of New Zealand* (OS919.92) and *Helen Skinner and Joseph O'Neill* (OS312.4) sought that the definition of Least Sensitive Activities and Table 11.2 be retained, as they supported the inclusion of grazing, farming and related rural activities being defined as Least Sensitive Activities for the purpose of the natural hazard provisions.

3.5.1.2 Request to amend definition of 'least sensitive activities' to only include all other Rural activities not included as 'potentially sensitive activities'

147. Mining was included in the definition of Potentially Sensitive Activities, but is also a rural activity; 'all other rural activities' were included in the definition of Least Sensitive Activities.
148. *Oceana Gold (New Zealand) Limited* requested that the definition of Potentially Sensitive Activities be retained (OS1088.11), and that the definition of Least Sensitive Activities (OS1088.10) and Table 11.2 (hazard sensitivity) (OS1088.51) be amended in order that the definition of Least Sensitive Activities only included all other rural activities that are not specifically included as Potentially Sensitive Activities. The submitter considered that there was inconsistency between the definitions in relation to mining and other rural activities.
149. The Reporting Officers agreed with *Oceana Gold (New Zealand) Limited's* concerns and recommended that the definition of Least Sensitive Activities be amended to provide clarification that mining is a Potentially Sensitive Activity. They also noted that *Oceana Gold's* requested amendment sought to address other rural activities which were also specifically defined as a Potentially Sensitive Activity or Sensitive Activity, and the recommended amendment proposed, although different from that requested, was to retain consistency in definition drafting while also addressing these other activities (s42A Report, Section 6.2, pp. 215-216).

3.5.1.3 Request to make service stations a 'potentially sensitive activity'

150. *Z Energy Limited* (OS313.8) and *The Oil Companies* (OS634.3) sought that service stations be changed from a 'sensitive activity' to a Potentially Sensitive Activity. The submitters did not agree that service stations are more sensitive to natural hazards than other activities categorised as 'Potentially Sensitive', and considered that service stations are comparable in nature to other activities which store and use significant volumes of hazardous substances, and retail and commercial activities, that are classed as Potentially Sensitive. They also stated other reasons why they should not be classed as Potentially Sensitive including the nature of the activity and that design, construction and operation of service stations is tightly controlled through other regulations.
151. The Reporting Officers stated that they considered that service stations best fit into the definition of a Sensitive Activity as they may create a significant public health issue if damaged as a result of a natural hazard event (s42A Report, Section 6.2, p. 217).

3.5.1.4 Request to Narrow Scope of Emergency Services that are Considered Sensitive Activities

152. *New Zealand Fire Service Commission* (OS945.5) sought that the definition of Sensitive Activities and Table 11.2 be amended to read "...sleeping and living quarters of emergency services...", in order that it restrict the applicability to only the Sensitive Activities associated with emergency services, as fire stations provide for a range of onsite functions and services.
153. The Reporting Officers stated that Emergency Services and Defence Facilities can, but do not always, include residential activities which are considered sensitive to the effects of natural hazards. They agreed with the reasons provided by the submitter, and recommended that the definition of Sensitive Activity and Table 11.2 be amended in order that only the sleeping quarters of Emergency Services be considered a sensitive activity (s42A Report, Section 6.2, p. 216).
154. In their revised recommendations, the Reporting Officers noted that the recommended amendment in the s42A Report did not align with the 2GP drafting protocol and that a minor wording amendment was required. Further, it was noted that this would have no material effect as any activity is assessed against the most stringent activity status (therefore if the sleeping quarters of an emergency service was to be restricted discretionary for example, the whole activity would be assessed as restricted discretionary).
155. The Reporting Officers stated that consequently emergency services which do not contain sleeping quarters, needed to be assigned a 'sensitivity status', and recommended that the definition of Potentially Sensitive Activities be amended to include emergency services, which do not contain sleeping quarters, as they fit with the definition of a 'Potentially Sensitive Activity.'

3.5.1.5 Request to have Network Utility Activities Excluded from all the Sensitivity Definitions, or be Specifically Included in the Least Sensitive Activities Definition

156. *Spark New Zealand Trading Limited* (OS923.7), *Chorus New Zealand* (OS925.7) and *Vodafone NZ Ltd* (OS576.7) sought that network utilities be excluded from all the sensitivity definitions, or be specifically included in the Least Sensitive Activities definition.
157. The submitters noted that the definitions of Least Sensitive Activities and Potentially Sensitive Activities had long lists, none of which included network utilities, however, the definitions of Least Sensitive Activity and Potentially Sensitive Activity included a caveat that the land use activity is an activity that does not provide a critical public

- service, while the definition of Sensitive Activity specifically included land use activities which provide a critical public service.
158. The submitter considered it was, therefore, unclear if network utilities are considered to be a critical public service, and noted that these terms do not appear to be included in the natural hazards policies and rules so it was unclear what their purpose was. Further, the submitters noted that telecommunications infrastructure may need to be located within natural hazard prone areas, and network utility operators are in the best position to make decisions about where it is appropriate to locate their equipment.
 159. The Reporting Officers responded that the natural hazard provisions were generally not intended to capture network utilities activities and agreed with the submitters that the definitions created confusion due to the reference to 'critical public service'. They recommended that the definitions be amended to remove this wording, noting that of all the other activities included within the sensitivity definitions, none of them were included within a sensitivity definition based solely on being a critical public service. They also recommended that 'network utilities activities' be added to the definition of Least Sensitive Activities as requested by the submitters (s42A Report, Section 5.2, pp. 127-128).
 160. We note that in their revised recommendations, the Reporting Officers recommended amendment to the definition of Least Sensitive Activities in order that it no longer contains a list of activities, but simply states that the definition applies to all other activities not specifically listed as Sensitive Activities or Potentially Sensitive Activities. We consider that the amendments still address the submitters' concerns.

3.5.2 Hearing Evidence

161. Brigid Buckley, on behalf of *Fonterra Limited*, pre-circulated a written statement but did not appear at the hearing. She stated that the submitter supported the Reporting Officers' recommendation to accept their supporting submission.
162. Ms Jackie St John (Legal Counsel) for *Oceana Gold (New Zealand) Limited* (OS1088) did not appear at the hearing but pre-circulated legal submissions. She supported the Reporting Officers' recommendation in the s42A Report to clarify which sensitivity definition mining falls within.
163. The Reporting Officers made revised recommendations to the definition of Least Sensitive Activities, recommending that it be amended in order that the list of activities be deleted and that the definition just states that Least Sensitive Activities are other activities not specifically listed in the definitions of Sensitive Activities or Potentially Sensitive Activities.
164. Ms Georgina McPherson pre-circulated expert planning evidence on behalf of *The Oil Companies* (OS634, FS2487), and appeared at the hearing where she tabled additional evidence in regard to this matter. In summary, she considered that the identification of service stations as Sensitive Activities is inconsistent with how the 2GP treats other similar activities. She stated the vulnerability of service stations to natural hazard events is lessened due to design (e.g. tanks below ground), and compliance with industry best practice requires services stations to be designed to maintain their integrity and function during natural hazard events. She said no examples were provided of effects occurring at service stations as a result of natural hazards events.
165. She also considered that the definition also defines service stations as Sensitive Activities in relation to National Grid setbacks, and new roads and additions and alterations to existing roads, which is unnecessary and inappropriate.
166. Following the hearing, in their revised recommendations the Reporting Officers agreed with the evidence presented by Ms McPherson, and recommended that the definitions of Sensitive Activities and Potentially Sensitive Activities be amended in order that service stations become Potentially Sensitive Activities.

167. At the reconvened Plan Overview and Structure Hearing, the Reporting Officer presented revised recommendations regarding the sensitivity definitions (largely naming of them) and made recommendations to amend the definitions so that they only apply to the natural hazards provisions in order to avoid confusion and add clarity to the provisions. Further discussion is provided in the Plan Overview Decision.

3.5.3 Decision and Reasons

168. It is important to note, that the topic of definitions associated with 'sensitive activities' was addressed at the Reconvened Plan Overview Hearing. The Plan Overview Reporting Officer subsequently recommended that the notified definitions were amended so that they are used only in relation to natural hazards provisions (s42A Report Reconvened Plan Overview Hearing, p. 41). We agree with the relief recommended by the Plan Overview Reporting Officer and rename the definitions as follows (shown in Appendix 1, attributed to NH cl. 16):

- Least Sensitive Activity to Natural Hazards Least Sensitive Activity
- Least Sensitive Activities to Natural Hazards Least Sensitive Activities
- Potentially Sensitive Activity to Natural Hazards Potentially Sensitive Activity
- Potentially Sensitive Activities to Natural Hazards Potentially Sensitive Activities
- Sensitive Activity to Natural Hazards Sensitive Activity
- Sensitive Activities to Natural Hazards Sensitive Activities

169. We accept the submissions of *Oceana Gold (New Zealand) Limited's* (OS1088.11, OS1088.51) to amend the definition of Natural Hazards Least Sensitive Activities and Hazard Sensitivity Table 11.2 to no longer list activities, but state that the definition includes all other activities not listed in the definitions of Natural Hazards Sensitive Activities or Natural Hazards Potentially Sensitive Activities. We agree that this addresses *Oceana Gold (New Zealand) Limited's* concerns, as mining is specifically listed as a Potentially Sensitive Activity and the term 'all other rural activities' which was creating the confusion in the definition of Least Sensitive Activities is removed.

170. We accept the submission of *the Oil Companies* to make service stations Potentially Sensitive Activities for the reasons outlined in Ms McPherson's evidence as detailed above. This amendment is shown in Appendix 1 and attributed to submission point NH 634.3. The changes we have made to implement this decision, including consequential amendments, are as follows:

- amended the definition of Natural Hazards Potentially Sensitive Activities by including service stations
- amended the definition of Natural Hazards Sensitive Activities by removing service stations
- amended Hazards Sensitivity Table 11.2 by removing service stations from the list of land use activities in the Natural Hazards Sensitive Activities sensitivity classification
- amended Hazards Sensitivity Table 11.2 by adding service stations to the list of land use activities in the Natural Hazards Potentially Sensitive Activities sensitivity classification

171. In regard to emergency services, the substantive question that we asked ourselves when considering the sensitivity of emergency services, was whether they should be allowed in areas subject to natural hazards. We concluded that there may be operational reasons why emergency services would best be located in areas subject to natural hazards, and that as national organisations subject to the Civil Defence and Emergency Management Act they will take all proper steps to manage risk.

172. We accept, in part, the submission of the *New Zealand Fire Service Commission*, and amend the definitions of Natural Hazards Sensitive Activities to exclude emergency services in totality (including their sleeping/living quarters), in order that they be

considered as a Natural Hazards Least Sensitive Activity. This amendment is shown in Appendix 1 and attributed to submission point NH945.5. As a consequential amendment, we amend Table 11.2 to exclude emergency services from Natural Hazards Sensitive Activities.

173. Regarding network utilities, we accept in part the above submissions of *Spark New Zealand Trading Limited, Chorus New Zealand* and *Vodafone NZ Ltd*. We agree with the relief recommended by the Reporting Officers for the reasons provided by the submitters and Reporting Officers above. We therefore amend the definitions of Natural Hazards Least Sensitive Activity, Natural Hazards Potentially Sensitive Activity, and Natural Hazards Sensitive Activity to remove the bullet point that includes wording ‘...provide a critical public service’. This amendment is shown in Appendix 1 and attributed to submission point NH 923.7 and others.
174. We note that in the 2GP, network utilities activities are not normally subject to natural hazards provisions, in recognition of the fact that network utilities, as ‘lifeline utilities’, are subject to the requirements of section 60 of the Civil Defence and Emergency Management Act 2002, and also recognise that network utilities are likely to need to locate within hazard overlay zones for operational reasons.
175. In the matter of the naming of the sensitivity definitions, we agree with the relief recommended by the Plan Overview Reporting Officer and amend the names of the six ‘sensitivity definitions’ to include ‘natural hazards’ in their name, in order that they only apply to the natural hazards provisions. We have also amended the ‘residential activities (excluding working from home)’ activity in the definition of natural hazards sensitive activities to restrict it to those which do not involve additional people on-site, for consistency with the Hazard Sensitivity classification table (Table 11.2). These amendments are shown in Appendix 1 and attributed to NH cl.16.

3.6 Change to Activity Status in Hazard Overlay Zones

176. As outlined in the s42A Report, the 2GP natural hazard management approach includes a change in activity status for land use activities that are classified as being either sensitive or potentially sensitive in a Hazard 1 or 2 Overlay Zone. The change in activity status differs depending on whether the activities are permitted in the underlying zone. A change to activity status may also apply to new buildings and additions and alterations.
177. These rules are included in the “Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones” tables which are included in the Management or Major Facility Zone sections of the 2GP where Hazard 1 or 2 Overlay Zones intersect with the zone.

3.6.1 Request to make buildings greater than 60m² permitted instead of restricted discretionary in a Hazard 1 or 2 (flood) Overlay Zone

178. *Dunedin International Airport Limited* (OS724.20) sought that Rule 24.3.6.3 (Dunedin International Airport Zone) be removed, noting that the entire zone is subject to a Hazard 2 (flood) Overlay Zone. The submitter appreciated the need to control some ‘Potentially Sensitive’ and ‘Sensitive’ activities within hazard areas, but did not see why new buildings, or additions or alterations to buildings greater than 60m² required consent. They also requested that Rule 24.9.3.3 be removed, as a consequential amendment.
179. *AgResearch Limited* (OS924.15) sought that Rule 16.3.6.5 be amended so that new buildings, and additions and alterations to buildings which create more than 60m² of new ground floor area be a permitted activity (subject to an appropriate minimum floor level) if they are associated with a potentially sensitive activity or sensitive activity within a Hazard (flood) Overlay Zone. The submitter noted that the majority

of Invermay Farms are covered by Hazard 2 or 3 (flood) Overlay Zones and that rural research that requires a building is defined as a potentially sensitive activity. Further, the submitter noted that Rule 16.3.6.5 appears to contradict Rule 16.3.6.1, and that consent would be required for any building which could include typical farm buildings, not only buildings associated with Potentially Sensitive Activities or Sensitive Activities. They were supported by *Federated Farmers of New Zealand* (FS2449.275) who considered the restrictions placed on the hazard zones should not be unnecessarily restrictive.

180. The Reporting Officers recommended that the submissions be rejected, stating that the reasons for managing buildings in areas subject to natural hazard risk are related to economic effects of property damage, and the fact that buildings can exacerbate and transfer risk (s42A Report, Section 6.1, pp. 200-201).
181. Further, the Reporting Officers stated that the issues that the management of buildings are trying to address are fundamentally different from the issues that the management of land use activities are trying to address (mainly focused on safety of people), and therefore the request that buildings become permitted (if the land use is permitted) is not appropriate.
182. Mr Graeme Mathieson (resource management consultant) was called by *AgResearch Limited* (OS924) and tabled written evidence but did not appear at the hearing. Mr Mathieson stated that *AgResearch Limited* opposed the requirements of Rule 16.3.6.5 and considered that the potential issues associated with flooding would be addressed through permitted performance standards (e.g. minimum floor levels).

3.6.1.1 Decision and Reasons

183. We reject the submissions of *Dunedin International Airport Limited* (OS724.20), *AgResearch Limited* (OS924.15) and *Federated Farmers of New Zealand* (FS2449.275). We accept the Reporting Officers' advice that buildings need to be restricted in hazard overlay zones because of the potential effects that they can have on the hazard, such as diverting the flow of water in a flood overlay zone exacerbating and transferring risk, as well as the economic effects of property damage. Requiring resource consent for buildings will allow for consideration of all potential effects and ensure that the design and location of buildings is appropriate to manage risks.
184. We note that in Section 3.9.1 of this Decision we have also accepted submissions in order that the change to activity status tables no longer apply to Hazard 1 and 2 (land instability) Overlay Zones.

3.6.2 Request to make potentially sensitive activities restricted discretionary in the Hazard 1 and 2 Overlay Zones, irrespective of whether or not they are permitted in the underlying zone

185. *The Oil Companies* (OS634.74) sought that the change in activity status rules be amended to:
- change Potentially Sensitive Activities in the Hazard 1 Overlay Zones to restricted discretionary activity status from the notified rule of being non-complying if it was not permitted in the zone and discretionary if it was permitted in the zone
 - change Potentially Sensitive Activities in the Hazard 2 Overlay Zones to restricted discretionary activity status always from discretionary (if not permitted in the zone).
186. They also sought consequential amendments to Rules 11.5.2 and 11.6.2 to include a set of assessment criteria for restricted discretionary activities.
187. The submitter considered that applying a higher consenting threshold to Potentially Sensitive Activities that are not otherwise permitted in the underlying zone is not

effects based, and will result in an inconsistent and inequitable approach. Further, the submitter considered a restricted discretionary activity status is more appropriate and better accords with the requirements of section 32 RMA, as being necessary and appropriate.

188. *The Oil Companies* also sought consequential changes to Policy 11.2.1.1 (OS634.61), Policy 11.2.1.2 (OS634.62) and Policy 11.2.1.6 (OS634.111).
189. *Mr Mike Cowell* (OS178.1) requested that Rule 15.3.6 be amended to make Sensitive Activities in a Hazard 2 Overlay Zone restricted discretionary instead of discretionary, and that clear direction be provided regarding what will be assessed. The submitter considered that it should be straightforward to define the matters that the DCC would want to consider, and it would assist the public to understand exactly what would be required.
190. The Reporting Officers accepted that having a different activity status depending on the underlying activity status may be difficult to justify on an effects-basis. If it was removed they considered:
- all potentially sensitive activities in the Hazard 1 Overlay Zones should be non-complying as they should be strongly discouraged, due to the risk associated with these hazards.
 - a restricted discretionary activity status may be appropriate for Potentially Sensitive Activities and Sensitive Activities in a Hazard 2 Overlay Zone (s42A Report, Section 6.1, pp. 202-203).
191. They also recommended consequential changes to the assessment matters to require activities that are not permitted in the underlying zone to demonstrate that there is a need to locate within a hazard overlay zone rather than elsewhere.
192. Ms Georgina McPherson pre-circulated evidence, and appeared at the hearing for the *Oil Companies* (OS634, FS2487). She also tabled additional material at the hearing.
193. She supported the intent of the Reporting Officers' recommendation to remove the distinction between Potentially Sensitive Activities permitted in the underlying zone and those that are not, however she noted that this intent was not reflected in the track-change version of the provisions included as Appendix 1 to the s42A Report, and that consequential amendments had not been made to relevant policies or activity status tables.
194. However, she did not support removing the distinction between how Sensitive Activities and Potentially Sensitive Activities are managed in the same hazard overlay zone, as it does not recognise that the nature of Potentially Sensitive Activities means they may be able to tolerate higher levels of risk than Sensitive Activities, and is inconsistent with the policy approach.
195. Further, she did not support a non-complying activity status for activities in Hazard 1 Overlay Zones, as she considered it to be unduly onerous and inconsistent with the policy test.

3.6.2.1 Decision and Reasons

196. We accept, in part, the submissions of *the Oil Companies* and *Mike Cowell*. We agree with the submitters that amendments are required to the 'change to activity status' tables. We agree with the relief recommended by the Reporting Officers (and their reasons detailed above) to make changes to the Natural Hazards city-wide Section (11) and the Residential Zones (Section 15), Rural Zones (Section 16), Rural Residential Zones (Section 17), Commercial and Mixed Use Zones (Section 18), Industrial Zones (Section 19), Recreation Zone (Section 20), Dunedin Botanic Garden (Section 22), Dunedin International Airport (Section 24), Schools (Section 31) and Taieri Aerodrome (Section 33) sections. These amendments are as follows:
- not differentiate between activities based on whether they are permitted in the underlying zone

- amend the activity statuses so that both Natural Hazards Sensitive Activities and Natural Hazards Potentially Sensitive Activities in a Hazard 1 (flood) Overlay Zone are non-complying (rules 15.3.X, 16.3.X, 17.3.X, 18.3.X, 19.3.X, 20.3.X, 22.3.X, 31.3.X, 33.3.X)
 - amend the activity statuses so that Natural Hazards Sensitive Activities and Natural Hazards Potentially Sensitive Activities in a Hazard 2 (flood) Overlay Zone are restricted discretionary (rules 15.3.X, 16.3.X, 17.3.X, 18.3.X, 19.3.X, 20.3.X, 22.3.X, 31.3.X, 33.3.X)
 - amend the assessment of restricted discretionary activities to include Natural Hazards Sensitive Activities and Natural Hazards Potentially Sensitive Activities in a Hazard 2 (flood) Overlay Zone (rules 15.10.5, 16.10.5, 17.10.5, 18.10.5, 19.10.6, 20.10.5, 22.10.2, 31.10.3, 33.10.3) and consequentially remove from assessment of discretionary activities (rules 15.11.4.2, 16.11.2.7, 17.11.2.4, 18.11.5.2, 19.11.3.2, 20.11.2.7, 22.11.3.1, 31.11.3.2 and 33.11.3.1)
 - amend the assessment of non-complying land use activities to include Natural Hazards Sensitive Activities and Natural Hazards Potentially Sensitive Activities in a Hazard 1 (flood) Overlay Zone (rules 15.12.3, 16.12.3, 17.12.3, 19.12.6 and 20.12.3) and consequentially remove from assessment of discretionary activities (rules 15.11.4.1, 16.11.2.6, 17.11.2.3 and 20.11.2.6)
197. Consequential amendments to policies 11.2.1.1, 11.2.1.2, 11.2.1.5 and 11.2.1.6, as well as assessment rules 11.5.2.2, 11.6.2.3, 11.6.2.4 and 11.7.2.1, and are attributed to NH 634.74.
198. We note that the scope for non-complying activity status is provided by the *ORC's* request to make activities in the Hazard 1 (flood) Overlay Zone prohibited (discussed below). These amendments are shown in Appendix 1 and attributed to submission points NH634.74 and NH908.37.
199. We note that in Section 3.9.1 of this Decision that we have also accepted submissions in order that the change to activity status tables no longer apply to Hazard 1 and 2 (land instability) Overlay Zones.

3.6.3 Request to remove Policy 11.2.1.5 (do not manage sensitive activities in a Hazard 2 overlay zone)

200. Policy 11.2.1.5 states:
- "In the hazard 2 overlay zones, only allow the establishment of sensitive activities where the scale, location and design of the activity or other factors means risk is avoided, or is no more than low."*
201. This is implemented through the 'change in activity status rule' which makes Sensitive Activities discretionary in a Hazard 2 Overlay Zone.
202. *Property Council New Zealand* (OS317.1) sought that Policy 11.2.1.5 be removed. The submitter considered that it is not the role of the DCC to assess how businesses assess risk, and note that when creating a business case to decide the feasibility of a development, the private sector will assess the risk of natural hazards. Further they noted that this risk assessment is also undertaken during the process to get finance and insurance.
203. The Reporting Officers recommended rejecting this submission, stating that assessments undertaken by a business may consider different factors and are separate to the legal requirements for the DCC under the RMA to manage natural hazards. Further, they stated that the 2GP provisions seek to ensure that activities will not result in additional effects of natural hazards, such as considering how the location of buildings may impact on flood flow paths and the effects this could have on other properties or activities (s42A Report, Section 6.1, p. 204).
204. Mr Alex Voutratzis, called by the *Property Council New Zealand* (OS317), appeared at the hearing and tabled a written statement. He did not agree with the

recommended amendments to Policy 11.2.1.5 as he was concerned they could put a handbrake on development and revitalisation of properties in regard to the requirement to minimise risk to the lowest level.

3.6.3.1 Decision and Reasons

205. While we accept Mr Voutratzis' point that businesses make their own assessments of risk from natural hazards, we are not persuaded that such commercial assessments adequately consider effects on other property or people. In our assessment Policy 11.2.1.5 should remain, for the reasons given by the Reporting Officers.
206. We note that other amendments were recommended to Policy 11.2.1.5 by the Reporting Officers as a result of submissions discussed in Sections 3.9.1 and 4.4.2 of this Decision.

3.6.4 Request to include activity status table which changes the activity status in hazard overlay zones in the Campus section of 2GP

207. *Dunedin City Council* (OS360.7) requested that a change to activity status in the hazard overlay zones table be included in the Campus Zone section of the 2GP, as a small portion of the zone was subject to a Hazard 2 (land instability) Overlay Zone. This was opposed by the *University of Otago* (FS2142.7) who considered the amount of land affected by the Hazard 2 (land instability) Overlay Zone was negligible, especially given the uncertainty of the mapping, so the additional controls were not warranted.
208. The Reporting Officers noted that as a result of their recommended amendments to the Hazard 2 (land instability) Overlay Zone, the Campus Zone was no longer subject to a Hazard 1 or 2 Overlay Zone and therefore the DCC submission was no longer relevant (s42A Report, Section 6.1, p. 204-205).
209. Mr Murray Brass, representing the *University of Otago* (OS308, FS2142) appeared at the hearing and pre-circulated a written statement. He supported the Reporting Officers' recommendation in their s42A Report.

3.6.4.1 Decision and Reasons

210. We reject the submission of the *Dunedin City Council* as it is no longer required based on other decisions related to Hazard 2 (land instability) Overlay Zone mapping adjustments.

3.6.5 Request to make sensitive activities prohibited in a subset of the Hazard 1 (flood) Overlay Zone

211. *ORC* (OS908.37) sought that Rule 16.3.6 be amended so that Sensitive Activities were prohibited instead of non-complying, in the Hazard 1 (Flood) Overlay Zone at Henley (Area 9), the Lower Taieri floodway and river berms (Areas 10 & 11), the East Taieri Upper Pond (Area 12), the Upper Pond ring bank (south) (Area 13B), the North Taieri floodway (Areas 14A and 14B), the East Taieri Lower Pond (Area 17) and South of Owhiro Stream (Area 18) as shown in the report *Flood Hazard on the Taieri Plain and Strath Taieri, Revision 1* (ORC, August 2015). The *ORC* asserted that the characteristics of the flood hazard in these areas (e.g. depth, duration, frequency, isolation of community) mean that additional sensitive development is not appropriate in any circumstances. This was opposed by *the Oil Companies* (FS2487.37) which expressed concern that prohibited activity status would preclude the establishment or expansion of a sensitive activity in exceptional circumstances.
212. The Reporting Officers recommended against prohibited activity status because they were not 100% confident that there would never be a circumstance in which an activity might have a no more than low risk (for example, some periodic activities that operate at lower risk times of the year) (s42A Report, Section 6.1, pp. 205-

- 206). They were of the opinion that the non-complying activity status is sufficiently strict to ensure the objectives of the plan are met in terms of the risk for natural hazards being no more than low. They also noted that *ORC* had applied for designations over all but one of the areas they were seeking prohibited activity status for.
213. Mr Warren Hanley and Mr Fraser McRae appeared at the hearing on behalf of the *ORC* (OS908, FS2381). Mr McRae stated that the district plan needed to reflect the RPS, which *ORC* made directional by using the word “avoid”, intending that there are some places where the concept of prohibited activities should be seriously considered, for example residential dwellings between a floodbank and a river. He considered that there are places to at least start the prohibited discussion (e.g. Gordon Road Spillway), and that Sensitive Activities shouldn’t go into ponding areas. Mr McRae explained the concerns with piping effects around floodbanks (a process through which water undermines a floodbank causing it to collapse), citing the situation in Edgumbe as an example.
214. Mr McRae stated that *ORC* wanted the 2GP to send clear signals and requested a change to activity status in Hazard 1 (flood) Overlay Zones from non-complying to prohibited, in specific areas as detailed in their submission. He was concerned that the use of a non-complying activity status allows for true exceptions, and that one-off exceptions create precedents. Mr Hanley stated that in 2016 the DCC processed 242 non-complying activity consents and that only 3 were declined. In response to a question Mr Hanley stated that he was unsure of what those consents being sought were for. Mr McRae considered that the public don’t have the perception that a non-complying activity status contains a difficult test.
215. Mr Freeland noted that under the operative District Plan the default activity status is non-complying, and one of the principles of developing the 2GP was to reduce the number of non-complying activities and identify as many activities as possible and provide for them as appropriate. He also noted that the operative District Plan does not contain any natural hazard rules.
216. Mr McRae responded to the suggestion in the s42A Report that *ORC* could rely on their designations or Bylaw to control development in these areas by stating that in his opinion these tools should not be used as quasi-land use rules.
217. At the hearing the Reporting Officers presented revised recommendations to amend Policy 11.2.1.1 in response to concerns raised by the *ORC*. The revised recommendation strengthens the policy in order that sensitive and potentially Sensitive Activities must be avoided in a Hazard 1 (flood) Overlay Zone unless the risk from natural hazards will be avoided or no more than low, *and* the activity has a critical operational need to locate in the overlay zone and locating outside it is not practicable. Previously, Policy 11.2.1.1 only restricted the establishment of Sensitive Activities, and Potentially Sensitive Activities not permitted in the underlying zone, unless the risk from natural hazards was avoided or no more than low.
218. The Reporting Officers also recommended amendments to Rule 11.7.2 (assessment of non-complying activities) to clarify that it would only be in rare and exceptional circumstances that consent would be granted.
219. We directed the planning experts representing the *ORC* and *DCC* to undertake expert witness conferencing with respect to the relief sought by the *ORC*. Their expert witness conferencing statement is attached as Appendix 2. Table 3 below outlines the respective experts’ opinions on the use of prohibited or non-complying activity status for particular areas of the Hazard 1 (flood) Overlay Zone, in accordance with the report *Flood Hazard on the Taieri Plain and Strath Taieri, Revision 1* (*ORC*, August 2015):

Table 3: Experts’ Opinions

Area	Position
Henley (Area 9)	Agreement on non-complying activity status. Potential future plan change for this area.

Lower Taieri floodway and river berms (Area 10)	Agreement on prohibited activity status.
Lower Taieri floodway and river berms (Area 11)	Agreement on prohibited activity status, excluding the following areas which are agreed to remain non-complying: <ul style="list-style-type: none"> • the 'gullies' on the true left of the Taieri River downstream of Allanton • the Township and Settlement Zone at Allanton • an area of land near Outram on the true left of the Taieri River which was only included in the Hazard 1 (flood) Overlay Zone via revised recommendation mapping.
East Taieri Upper Pond (Area 12)	Agreement on prohibited activity status.
Upper Pond ring bank (south) (Area 13B)	Agreement on non-complying activity status.
North Taieri floodway - Gordon Road spillway (Area 14B)	Disagreement on activity status. DCC proposes non-complying activity status pending a potential future plan change. ORC disagrees with non-complying activity status and proposes that sensitive activities should be prohibited in the Gordon Road spillway area.
North Taieri floodway at Dukes Road North (Mill Creek diversion) (Area 14B)	Agreement on non-complying activity status.
North Taieri floodway at Stedman Road (railway embankment) (Area 14B)	Agreement on non-complying activity status.
East Taieri Lower Pond (Area 17)	Tentative agreement on non-complying activity status. ORC acknowledge DCC's reasoning for non-complying activity status, but considers occupants need to be made aware of the risk.
South of Owhiro Stream (Area 18)	Agreement on prohibited activity status for the land on the north side of Gladstone Road South. Tentative agreement on non-complying activity status for the land on the south side of Gladstone Road South. ORC considers that occupants need to be made aware of the risk.

3.6.5.1 Decision and Reasons

220. We accept the amendments recommended through the Expert Witness Conferencing Statement (dated 19 October 2017). This includes amendments which will create a Hazard 1A (flood) Overlay Zone, where new Natural Hazards Sensitive Activities are prohibited.
221. In summary, we accept in part the submission of the *ORC*. We acknowledge the *Oil Companies'* point that prohibited status precludes new sensitive activities to establish in these certain areas, but note that minor additions and alterations to existing buildings are allowed up to 60m² of new ground floor area, above which consent is required as a restricted discretionary activity.
222. In order to achieve this decision, we amend the activity status table in the Rural Zone (Rule 16.3.6) to make natural hazards sensitive activities in the Haz1A (flood) Overlay Zone a prohibited activity and add Haz1A (flood) to the activity status legend (Rule 16.3.2).

223. These amendments are shown in Appendix 1 and attributed to submission point NH908.37 and NH cl.16. We also make the following consequential amendments:
- Amend Policy 2.2.1.3 to identify the Hazard 1A Overlay Zone
 - Amend Notification rules 8.4, 15.4, 16.4, 17.4, 18.4, 19.4 and 20.4 to refer to the new Hazard 1A Overlay Zone
 - Amend Rule 8A.5.1.3 Maximum change in finished ground level and 8A.5.1.5 Maximum volume of combined cut and fill, to include reference to the new overlay zone
 - Amend 11.1.4 introduction to refer to and account for the additional overlay zones
 - Add a new definition of Haz1A
 - Amend rules 11.3.5 and 16.6.3.5 to refer to the new Hazard 1A (flood) Overlay Zone
 - Add two new policies (11.2.1.Y and 11.2.1.Z) to establish the activity status and provide guidance for new Hazard 1A Overlay Zone
 - Amend policies 11.2.1.1, 11.2.1.2, 11.2.1.3, 11.2.1.4 and 11.2.1.7
 - Amend Rule 11.4.2 Assessment of development performance standard contraventions and rules 11.5.2 and 16.10.5.11 (assessment of restricted discretionary activities) to refer to the new hazard overlay
 - Amend rules 11.7.2 and 16.12.3 Assessment of non-complying activities to refer to the new hazard overlay

3.7 Natural Hazard – Suggested New Definition

224. The *University of Otago* (OS308.13) requested that a definition of natural hazard be added to the 2GP. The submitter noted that the RMA definition of natural hazard is different from that used in other legislation and in common usage, so considered a specific definition would provide clarity. They were supported in part by *the Oil Companies* (FS2487.53) who considered the RMA definition of natural hazard to be the most appropriate, if a definition is to be included.
225. The Reporting Officers explained that while the term natural hazards were not defined in the 2GP, examples of natural hazards that the Dunedin City area is subject to are detailed in the introduction to the natural hazards section of the 2GP. They noted that natural hazards are defined in various forms across four sets of legislation (RMA, Local Government Act, Building Act and Civil Defence and Emergency Management Act). They recommended rejecting the submission, but noted that if the Panel were of a mind to include a definition, then the RMA definition of 'natural hazard' would be the most appropriate (s42A Report, Section 4.1.1, p.41).
226. Mr Murray Brass, representing the *University of Otago*, tabled a written statement on this matter but did not speak to this point at the hearing. He agreed that it is appropriate that the RMA definition applies, and that a reference to this would add clarity.

3.7.1 Decision and Reasons

227. We are not persuaded that a definition of 'natural hazard' is necessary. There seems to be no doubt about what the term means because of the context in which it is used in the 2GP, and there is always a danger that adding a definition can have unforeseen consequences.
228. The natural hazards affecting the Dunedin City area are included in the introduction to the natural hazards section of the 2GP, however, we consider it would provide

clarity to specify in Section 11 of the 2GP that the Plan does not address all natural hazards defined in the RMA. This amendment is shown in Appendix 1 and attributed to submission point NH308.13.

3.8 Broad submissions on Natural Hazards Management (Climate Change) – Requests for Amendments to Recognise Climate Change Effects on Infrastructure

229. The *Otago Regional Council* (OS908.62) sought that the natural hazard objectives, policies and assessment criteria be amended to recognise the impact of climate change when consent for land use activities involving infrastructure is sought. Although they supported the recognition of risk and effects of climate change and related provisions, they considered there appeared to be little specific recognition of other effects such as increased pressure on infrastructure, for example stormwater due to any increase in frequency or consequences of rain and storm events.
230. *The Oil Companies* (FS2487.43) opposed *the Otago Regional Council* as the scope and nature of the changes sought was unclear. Notwithstanding this position, they considered that any such provisions needed to recognise the particular locational, functional and operational constraints associated with infrastructure, which will in many cases require a location that may be susceptible to climate change.
231. The Reporting Officers agreed with *the Oil Companies* that the scope and nature of the changes being sought by the *Otago Regional Council* were unclear, and in the absence of specific detail were unable to recommend specific changes to the 2GP in regard to their request. They noted that the 2GP has considered climate change predictions in terms of the application of zoning. They also noted other methods through which climate change was considered, including the DCC Climate Change Predictions Policy, DCC's Three Waters Network Hydraulic Modelling, the NZ Standard for Land Development and Subdivision Infrastructure, and the Dunedin Code of Subdivision and Development 2010 (s42A Report, Section 4.1.7, pp. 86-87).
232. Mr Warren Hanley and Mr Fraser McRae appeared at the hearing representing the *Otago Regional Council*. Mr Hanley provided clarification regarding *ORC's* request stating that their concerns are about development being allowed to occur without requiring subdivision, and wanting climate change mentioned for development and land use as well.

3.8.1 Decision and Reasons

233. Climate change is unquestionably a relevant matter for the 2GP. Under section 7 of the RMA, particular regard to the effects of climate change is required. The New Zealand Coastal Policy Statement 2010 also includes policies that require consideration of climate change and sea level rise. Further, the pRPS contains policies regarding climate change and sea level rise which includes timeframes and sea level rise figures to be used in the Otago context.
234. The 2GP natural hazard assessment matters only consider climate change in regard to the Hazard 3 (coastal) Overlay Zone as notified. We agree with the *ORC* that the effects of climate could be considered more broadly for all hazard types. We amend the natural hazard assessment matters general assessment guidance (rules 11.4.2, 11.5.2, 11.6.2 and 11.7.2) to include consideration of how the risk from natural hazards may worsen over time due to climate change. These amendments are shown in Appendix 1 and attributed to NH908.62.
235. We also amend the natural hazard assessment general assessment guidance (rules 11.4.2, 11.5.2, 11.6.2 and 11.7.2) to include consideration of the policies of the NZ Coastal Policy Statement in terms of acceptable levels of risk. These amendments are shown in Appendix 1 and attributed to NH949.25 and NH949.26. We note that

submissions with relevance to these amendments are discussed in Sections 3.12, 4.3 and 4.7 of this report.

3.9 Land Instability Management and Mapping

236. GNS Science was commissioned by the ORC to investigate land instability in support of the Dunedin City District Plan Review. Investigations were undertaken between 2012 and 2017, resulting in the following reports by GNS Science and the ORC:
- *"Attributing and reconciling source of landslide data within the Dunedin City Council area, GNS Science Consultancy Report 2012/279, 2012*
 - *The hazard significance of landslides in and around Dunedin City, GNS Science Consultancy Report 2013/339, 2014*
 - *Identification of areas possibly susceptible to landsliding in the coastal sector of the Dunedin City district, GNS Science Consultancy Report 2015/34, 2015*
 - *Active landslides in the Dunedin area, ORC 2015*
 - *Revised landslide database for the coastal sector of the Dunedin City district, GNS Science Consultancy Report 2017/41, 2017"*
237. These reports considered historical land instability information held by the DCC and ORC, geology, topography and criteria such as the sensitivity of existing landslide areas to physical changes such as earthworks.
238. DCC then applied its proposed management approach to the areas identified as being subject to land instability, and based on the likelihood and consequence of the land instability hazard determined the land instability areas should be included in the 2GP.
239. Hazard 1 (land instability) Overlay Zones were identified as areas where there is a history of hazard events and a high degree of risk from future events. These include active landslides that are being monitored.
240. Hazard 2 (land instability) Overlay Zones were identified as areas where there is a moderate level of risk, but some variation in risk, or uncertainty of risk, at a site-specific level. These include areas that have previously slipped. DCC records of man-made land instability hazards (such as old mines and landfills) were also incorporated into the Hazard 2 (land instability) Overlay Zones, having been assessed as having a moderate level of risk.
241. Refer to sections 4.1.5 and 7.4.1 of the s42A Report for more detailed background information on the land instability management approach and mapping respectively.
242. A pre-hearing meeting on natural hazards, including land instability, was held on 7 December 2016. At this meeting the Reporting Officers presented draft recommended amendments to the land instability mapping and provisions as a result of work that had been undertaken (including by ORC/GNS Science) since the close of submissions.

3.9.1 Land Instability Management Approach

3.9.1.1 Submissions

243. There were 271 submissions⁶ (134 original submissions and 137 further submissions) received on one or both of the Hazard 1 and 2 (land instability) Overlay Zones, including: 132 original submitters who either attached or directly referenced the Macandrew Bay community form submission and 131 further submissions from the ORC.
244. The Macandrew Bay community form submission appeared to have been developed by members of the community and circulated for individuals to use to submit on the 2GP. The submission requested that all Hazard 1 and 2 (land instability) Overlay

⁶ See s42A Report, Section 4.1.5 for list of submitters.

Zones and associated provisions be removed from the 2GP, but the particular concern of these submitters appeared to be the application of the hazard overlay zones and provisions to the Residential and Rural Zones in the 2GP.

245. In summary, the issues raised in the submission were that:
- the approach taken in the 2GP to manage natural hazard risk through hazard overlay zones is inappropriate;
 - the basis for the mapping in relation to land instability is inaccurate and inappropriate to use as the reference point for managing natural hazard risk;
 - the approach to risk management of natural hazards has an inappropriate emphasis on avoidance of risk rather than management of risk;
 - the rules prescribed for the management of natural hazards are unreasonable and, therefore, inappropriate as the degree of control is disproportionate to the risk intended to be managed;
 - the approach to natural hazard management in the 2GP is unnecessarily complex;
 - the approach is overly conservative and blunt and, therefore, inappropriately restricts the use and enjoyment of land for properties that have no previous history or likely risk of being subject to natural hazard benefit;
 - the Section 32 Report evaluation does not demonstrate a causal relationship between the nature of the activities controlled by the policies, and rules and the risk in relation to natural hazards; and
 - the cost/benefit analysis in the Section 32 Report is inadequate and does not address the range of options available to Council in considering the most appropriate tool for management of natural hazards, and is clearly written with a predetermined outcome in mind.
246. Some of the submitters who used the Macandrew Bay community form submission also provided additional reasons for their opposition, including site specific historical accounts, geotechnical information and maps.
247. *Priscilla Jane Dickinson* (OS359.1) additionally requested that the DCC plan slowly and carefully, gather evidence property by property and assess how best to manage any risks identified to enhance, and not detract from, the Macandrew Bay community. The submitter's reasons included that the overlay zone would affect her property as it would put prospective purchasers off and devalue her property; restrict use and enjoyment of her property; increase costs of maintaining and enhancing her property; and detract from Macandrew Bay continuing to develop as a popular residential community.
248. *David Tordoff* (OS122.4) stated that the broad sweeping zoning for land instability was over the top and requiring geotechnical reports for very minor activities can only be seen as a way of making ratepayers pay more and devalue the housing stock.
249. The *ORC* (FS2381) opposed 131 of these original submissions, as the Council considered the hazard overlays should be retained, while acknowledging scope to adjust the mapping. The *ORC* noted that any new geotechnical information provided by submitters would be taken into account when updating land instability mapping.
250. There were six submitters⁷ who generally requested the removal of all Hazard 2 (land instability) Overlay Zones and related provisions. The reasons provided by the submitters included concerns about buffers and use of generic information when more accurate information was available; impact on property values; controls unjustified in some areas; broad scale mapping; and not taking into account existing resource consent information or existing modified environments.
251. *Alex Charles and Jackie St John* (OS876.11) sought that implementation of the Hazard 2 (land instability) Overlay Zones and provisions be deferred while DCC assumed responsibility for hazard identification at a site-specific level, or similar

⁷ See s42A Report, Section 4.1.5 for list of submitters.

- relief. They saw site specific investigation as a DCC role, rather than placing the onus on individuals.
252. Ms *Susie McKeague* (OS225.4) requested that restrictive rules, applying to the land instability overlay zones be removed, as she considered the proposed requirements were onerous for a hazard that does not pose threat to life, health or safety, noting that when they purchased the property they made an informed decision about the risk, which was low. Ms *McKeague* considered that management of infrastructure uphill of the property and retention of vegetation is as important, if not more so, than limits on earthworks.
 253. The *Otago Peninsula Community Board* (OS588.18) sought that more flexibility be allowed in relation to land instability overlay zone provisions based on sound geotechnical advice, due to concerns regarding methodology and data collection. The submitter considered it would be more appropriate to ensure that all geotechnical reports for property development are added to the LIM process so that they are publicly available for property owners/perspective buyers during the purchase and insurance process.
 254. *Federated Farmers of New Zealand* (FS2449.264) (FS2449.262) considered it was appropriate for DCC to properly assess land through ground-truthing prior to classification and that it was inappropriate to create blanket rules that restrict activities on land that may or may not be subject to a hazard, and overall that the proposed overlay zones were overly restrictive and not based upon sound geotechnical advice.
 255. Mr *Paul Barron* (OS224.2) sought that Rules 15.3.6.2.b, 15.3.6.3.b and 15.3.6.5.b (Residential Zone) be removed as they change the activity status in a Hazard 2 Overlay Zone. The submitter was concerned with his property being identified in a Hazard 2 (land instability) Overlay Zone and the implications this has, including the effect on market value. The submitter considered that no serious risk to life is apparent for their property and stated that it has a valid building permit.
 256. Mr *Tony Avery* (OS543.1) sought that Rule 15.3.6 (Residential Zone) be removed. The submitter was particularly concerned about the change to activity status in the Hazard 2 (land instability) Overlay Zone at Howard Street, Macandrew Bay (and other similar situations), as he considered the overlay is not supported by sound evidence.
 257. The *Otago Peninsula Community Board* (OS588.20) sought that Policy 11.2.1.3 be amended to shift the onus of determining the risk level and potential for land instability onto landowner or developer, rather than a litigious battle of opposing consultants which would add significantly to consent costs. The submitter considered that the policy set a high and contentious standard in relation to new or additional buildings within a Hazard 1 or 2 Overlay Zone.
 258. Mr *S Ozanne* (OS160.3) sought that general provision be made in building consents for geological and stability reports on an individual property basis. The submitter was concerned at the property being included in a Hazard 2 (land instability) Overlay Zone, despite the DCC requiring a site specific geological report for the proposed development that concluded the area the dwelling sat on, and was surrounded by, was stable.

3.9.1.2 S42A Report Recommendations

259. In regard to the provisions applying to the Hazard 1 and 2 (land instability) Overlay Zones, the Reporting Officers recommended that the change to activity status provisions that apply to them be removed (s42A Report, Sections 4.1.5, p. 76 and 7.4.1, pp. 328-329). After receiving further advice, they considered that the Building Act process can appropriately manage the effects that would otherwise be assessed through a resource consent process, particularly for the evaluation of building design and the structural integrity of the building in terms of risk.

260. In regard to the management of vegetation clearance and earthworks, the Reporting Officers considered that the 2GP, rather than the Building Act, is the most appropriate mechanism to address risk as these activities have wider implications. They have the potential to reduce the overall stability of an area, which could have consequences for other sites, and some earthworks are for activities that do not need a building consent and, therefore, would not be assessed through the building consent process.
261. The Reporting Officers recommended that the vegetation clearance and earthwork provisions applying to the Hazard 1 and 2 (land instability) Overlay Zone be retained, subject to amendments discussed elsewhere in the s42A Report.

3.9.1.3 Hearing Evidence

262. *Mr Thomas Bruce Hendry (OS74)* appeared at the hearing and tabled a written statement. He supported having control under the Building Act which he considered to be more flexible.
263. *Ms Sally Fay Peart (OS760)* appeared at the hearing on behalf of the Macandrew Bay Community. She stated that her original concerns were regarding the mapping buffer zones and resource consent requirements. She acknowledged the further work that had been undertaken by the Reporting Officers and stated that the community would be happy with the 2GP if amended as recommended in the s42A Report. Ms Peart commented that the community feels it has been heard.
264. *Mr Richard Devitt Garlick (OS348)* pre-circulated an email but did not appear at the hearing. He supported the recommended amendments as outlined at the pre-hearing meeting, providing they remain.

3.9.1.4 Decision and Reasons

265. We are satisfied from the evidence and submissions that the management approach for the Hazard 1 and 2 (land instability) Overlay Zones should be amended, as recommended by the Reporting Officers and supported by several submitters at the hearing. We accept that some of the provisions in the 2GP duplicate provisions in the Building Act. Our decision is to remove the change to activity status provisions, in order that the overlay zones do not require consent to be obtained for new buildings and additions and alterations to buildings which create more than 1m² of new ground floor area. We consider that the Building Act process can appropriately manage the effects that would otherwise be assessed through a resource consent process, particularly the evaluation of building design and the structural integrity of the building in terms of risk.
266. However, we also accept the Reporting Officer's recommendation that the vegetation clearance and earthworks in Hazard 1 and 2 (land instability) Overlay Zones provisions remain in the 2GP, subject to amendments discussed in Sections 3.16 and 4.6.1 below (Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas), and in the Earthworks Decision. The potential effects of these are not directly managed under the Building Act. Amendments are shown in Appendix 1 and attributed to submission point NH 73.4 and others.
267. Amendments have been made to:
- remove the rule that manages buildings in the Hazard 1 (land instability) Overlay Zone in the activity status table (rules 15.3.X, 16.3.X, 17.3.X, 18.3.X, 19.3.X, 20.3.X, 31.3.X)
 - add the wording 'flood' after Haz1 and Haz2, to clarify in which overlay zone the activity status applies to

- remove assessment guidance for activities in a Hazard 1 (land instability) Overlay Zone (15.10.5.2, 16.10.5.10, 17.10.5.10, 18.10.5.4, 18.12.4.3, 20.10.5.3 and 31.10.3.1)
- amend assessment guidance to clarify that it only applies to activities in Hazard 1 (flood) Overlay Zone (rules 15.10.5.3, 15.12.3.6, 16.10.5.11, 16.12.3.4, 17.10.5.9, 17.12.3.4, 18.10.5.5, 19.10.6.2, 20.10.5.4 and 31.10.3.2)
- amend policies 11.2.1.1, 11.2.1.3 and 11.2.1.5 to reflect the removal of the activity status rules managing buildings in hazard 1 (land instability) overlay zone and subsequently amend assessment guidance (rules 11.7.2.1, 11.5.2.2 and 11.5.2.3)

3.9.2 Land Instability Mapping

3.9.2.1 Submissions

268. There were 26 submissions⁸ (13 original submissions and 13 further submissions, including 12 further submissions from the *ORC*) received on the Hazard 1 (land instability) Overlay Zone.
269. In summary, two submitters sought that the overlay boundaries be reviewed, five submitters sought that the overlay be removed, four submitters sought that the overlay be adjusted and two submitters sought that the overlay be changed to a Hazard 2 risk category.
270. The submitters gave a variety of reasons for their requests, including that there were inaccurate boundaries and that buffer zones were too general. Submitters were also of the opinion that there was not enough evidence for the mapped boundaries or that overlays had been wrongly classified or that risk was overstated.
271. Concerns were also raised about the implications of properties being identified as within a hazard overlay, including adverse effects on property values. Some submitters described how instability of their properties has been mitigated. In some instances, submitters also noted that they had reports stating their property was “safe” and some indicated that they have been granted resource consent for some development, suggesting the Council accepts this. Others had concerns about the 2GP process used to inform affected parties.
272. *Devenish Rural Holdings Limited* (FS2080.1) supported the submission by the *DCC* (OS360.165) requesting that the Hazard 1 (land instability) Overlay Zone located generally between 140 McMaster Road and 494 Brighton Road be changed to a Hazard 2 (land instability) Overlay Zone, as they believed this is more acceptable if there is to be a hazard overlay.
273. The *ORC* (FS2381) made a further submission opposing all but one of the original submissions, requesting that the land instability overlays be retained, while acknowledging scope to refine the mapping. They noted that submissions provided new geotechnical information, and that the mapping review undertaken since notification of the 2GP includes revision of the boundaries of active landslides in the Dunedin urban area.
274. There were 305 submissions⁹ (160 original submissions and 145 further submissions - 135 from the *ORC* (FS2381)) received on the Hazard 2 (land instability) Overlay Zone.
275. In summary, two submitters requested that the overlay be retained, two requested that other areas be included in the overlay, and 100 submitters requested that the overlay be removed partly or completely. Also, six submitters requested that the

⁸ See s42A Report, Section 7.4.1 for list of submitters.

⁹ See s42A Report, Section 7.4.1, for list of submitters.

- overlay be reviewed, 26 sought that it be adjusted, and 4 submitters requested that the buffers are either removed completely or else clearly identified.
276. Further, three submitters requested that the overlay be changed to a Hazard 3 risk category, one submitter sought that areas of mining be put into a separate category, and 15 submitters asked for a combination of outcomes. One submitter did not seek a specific decision in relation to the mapping, rather requesting to be involved in the process.
 277. The submitters gave a variety of reasons for their requests, including that the boundaries were inaccurate and/or that buffer zones were too extensive. Some submitters did not think there was enough evidence for the mapping, while others thought the overlays were wrongly classified/risk was overstated.
 278. Other submitters thought the implications were onerous, including effects on property values, insurance, lost opportunities and psychological effects. Some submitters stated that they were not aware of land instability issues, or that any land instability had been mitigated. Other submitters' reasons included that the Section 32 Report was deficient, that it is up to landowners to accept risk if they want to, and that zoning won't protect anyone. The need to have instability information in both LIMs and the 2GP was also questioned.
 279. In some instances, submitters also stated that they had reports stating the property was "safe" or has resource consent for a development, which suggests the Council accepts the hazard has been addressed. Submitters also had concerns about the 2GP process used to inform affected parties.
 280. Further submissions in opposition to those submitters considered that removal of the overlay zone could result in development and effects on land instability.
 281. Original submissions in support of the Hazard 2 (land instability) Overlay Zone supported a precautionary approach, and one submitter considered that their property has soils suitable for a wide range of agricultural activities rather than development.
 282. The ORC (FS2381) made a further submission opposing the majority of the original submissions, requesting that the land instability overlays be retained, while acknowledging scope to refine the mapping. They noted that some submissions provided new geotechnical information, and that the mapping review undertaken since notification of the 2GP includes revision of the boundaries of active landslides in the Dunedin urban area.
 283. The ORC also made an original submission requesting that DCC change the Hazard 2 (land instability) Overlay Zones so that buffer areas are clearly differentiated from the mapped landslide features (and provide a clear explanation that there is a requirement to undertake a geotechnical assessment to support any proposed activities within these buffer areas). They noted that there is already a requirement for site specific geotechnical investigation for many new development activities through the subdivision process. Further, they noted that the buffer areas should continue to be classified as a Hazard 2 Overlay Zone with appropriate performance standards provided for controlling effects from vegetation clearance, stormwater management and earthworks.

3.9.2.2 S42A Report Recommendations

284. In regard to submissions on the mapping of hazards, the Reporting Officers stated that following notification of the 2GP, the ORC had reviewed these submissions and recommended amendments to the overlay zones as detailed in the evidence of Dr Ben Mackey titled *Land Instability, 2 February 2017*.
285. Based on this new expert evidence, the Reporting Officers recommended that the Hazard 1 and 2 (land instability) Overlay Zones be amended as recommended by Dr Mackey. The recommended changes included amendment of risk categorisation (Hazard 1 or 2) in some circumstances and removal of the buffers where the mapping

had been reviewed. Due to the recommendation to remove the majority of buffers, the Reporting Officers did not consider it necessary to differentiate between the landslide areas and the buffers, which they considered could actually create more confusion for plan users as the maps would still have the same effect.

286. In response to the submitter who requested that areas of historical mining be excluded from the Hazard 2 (land instability) Overlay Zone and noted in a separate category, the Reporting Officers considered that regardless of the source of the instability it was appropriate and efficient to manage them in the same manner. However, the Reporting Officers stated that if the Hearing Panel considered it appropriate, it would be possible to add a descriptor to the areas identified due to mining and/or metadata relating to source information for all areas of land instability. The Reporting Officers also noted that the landslide review process resulted in the identification of some more areas of potential susceptibility to landslides, but that these would not be included in the 2GP. We do not have jurisdiction to add these areas (that could be done only through a future plan change), but we understand that information like this may be made available in the data maps in the future, and has to be included in LIMs. The Reporting Officers noted that the landslides classified as historically inactive or where the history of movement was unknown would not be included in the 2GP overlay zones, but would be retained as an information layer for the purpose of LIMs.

3.9.2.3 Hearing Evidence

287. Mr Barry Douglas appeared at the hearing and tabled a written statement on behalf of the *Barry Douglas and Kowhai Trust* (OS607) and the *B J Douglas Forestry Trust* (OS611). He spoke generally about his concerns with the approach taken to the mapping noting that there are rock formations throughout Dunedin that are a known concern and that the process should be to check old aerial photographs and then undertake an on-site survey. He stated that the Hazard 1 Overlay Zones have strong scientific merit.
288. He noted the recommended changes, particularly in regard to removal of the Brockville Road landslide and the buffer zones for all mapping, which he was supportive of. He submitted that for Steep Hill Road at Merton that the land instability overlay zone remains inaccurate.
289. *Mr Thomas Bruce Hendry* (OS74) appeared at the hearing and tabled a written statement. He stated his support of the Reporting Officers' recommendation to amend the Hazard 2 (land instability) Overlay Zone affecting Macandrew Bay, including removing it from 47 Greenacres Street, noting that the buffer zone had previously run over a ridge.
290. Mr Don Anderson appeared at the hearing representing *D R Anderson (on behalf of D R and A E Anderson, and Anderson Lloyd Trustee Company Limited)* (OS65) regarding a property at 107 Coast Road, Warrington. Mr Anderson stated that the property is flat and is bounded by the main trunk railway line. He was of the opinion that the RMA is not 'no risk' legislation and supported the recommendation to remove the Hazard 2 (land instability) Overlay Zone from the property.
291. Ms Helen Skinner and Mr Tony Devereux appeared at the hearing and tabled a written statement on behalf of *Helen Skinner and Joseph O'Neill* (OS312). They stated that they agreed with the recommended revised mapping at Jeffcoates Road, Waldronville, but felt it was unfortunate that this work was not completed before notification of the 2GP.
292. *Mr Niels Kjaergaard* (OS374) appeared at the hearing and gave a PowerPoint presentation. He owns a property at 10 Marion Street, Macandrew Bay and stated that the house was built in the 1930s. He was still opposed to the Reporting Officers' recommendations for the following reasons: the mapping is based on a postulated model by Mr Phil Glassey (not a risk model), which doesn't coincide with risk mapping by McFarlane (1990); monitoring information shows only minor movement within the bounds of uncertainty; some remediation has been undertaken; there are

- differing opinions on the movement in this area (including the downslope extent); it is too uncertain and complex to delineate movement for the purpose intended; and there is no knowledge or evidence of instability on his property. He stated that people further up the street have been affected by instability and compensated by EQC (but some of those affected are not included in the overlay zone). He opposed the singling out of his property, noting the impacts this could have on insurance and property value, and considered that the DCC was taking an alarmist view.
293. *Mr Paul Barron* (OS224) appeared at the hearing in regard to Grandvista Estate, Abbotsford and 19 Main Road, Fairfield. In relation to Grandvista Estate he stated that he was given building consent for a house in 1990 as the site was considered suitable for development by the Green Island Borough Council. In regard to the more recent subdivision he stated that the process involved two geotechnical reports at a cost of \$80,000 and that no land instability issues were identified on his land, only on adjacent land (Miller Street slip).
294. He stated that he had not seen any indication of instability on the property and that planting had also been undertaken, some of which will remain in perpetuity. He was concerned that the hazard zoning would affect land values.
295. In regard to 19 Main Road, Fairfield, *Mr Barron* acknowledged that coal mining had been undertaken in the Fairfield area but he did not think it affected this property. While he expressed concern about the impact on land values, he accepted it was correct to identify potential issues to prospective purchasers.
296. *Mr Murray Soal* (OS291) appeared at the hearing and tabled a written statement. He has a farm at 427 Waitati Valley Road; *Mr Soal* stated that no geotechnical or field work had been done to prove what is or isn't stable, and that he had read five reports relating to his land which used statements such as 'inferred', 'may be', 'potential' etc. He considered that any land movement would have occurred many years ago, noting that creeks are incised in the area. He referred to a geotechnical report had been done in support of putting a DCC water pipeline through the area, and noted that his property has a slope value of less than 12 degrees. He was particularly concerned about the potential inability to insure his house, and about vegetation clearance limits in areas of land instability, which would interfere with his farming operations. He also considered that there were double standards as he was aware of other areas that are unstable and have obviously slipped in the past but had not been included in a land instability overlay zone.
297. *Mr Larry Nichvolodov* (OS60) appeared at the hearing in relation to his request to include a slip in the Brown Street, City Rise area in the 2GP. He passed around a newspaper article about the Brown Street slip stating that he was surprised it could even happen, noting the presence of springs in the area.
298. Mr Andrew Robinson appeared at the hearing on behalf of *Minaret Resources Limited* (OS1049), *Bowen Family Trust* (OS1039) and *Anneke Jade Andrews* (OS738) stating that these submitters were supportive of the Reporting Officers' recommendations in relation to their submissions. Mr Robinson also stated that *Minaret Resources Limited* and *Anneke Jade Andrews* were concerned about obsolete data appearing on LIM reports.
299. *Mr Richard Wilden* (OS744) appeared at the hearing and tabled photographs, a site plan and other property specific schematics. He wanted the Hazard 2 (land instability) Overlay Zone affecting 39, 41 and 43 Saddle Hill Road to be revised in order that the mapping accurately reflects what is present on the sites, as he considered the notified maps to be inaccurate and could affect insurance.
300. *Mr Wilden* stated that there are significant slips on his farm, some of which are slip interfaces and some of which are just creep. He understood that even if some land instability mapping was not included in the 2GP that the information would still be available through LIMs which he considered to be very subjective and a problem. He noted that it costs a lot of money to prove that there aren't problems, engineering solutions are often costly and the effect on the outcome (e.g. built form) is debatable, and that most geotechnical reports offer no real benefit. He also noted the significant

- planting he had undertaken on his property and the requirements for it to remain due to carbon credit processes under which they were established.
301. *Mr Bruce Mark Norrish* (OS461) appeared at the hearing in regard to his property at 171 Pigeon Flat Road, Waitati. He stated that his property contained a hard rock quarry and questioned how it could be considered to be unstable. He also stated that the DCC had all the information it needed about the property in a resource consent application in order to correct the mapping.
302. *Mr Errol Chave* (OS19) appeared at the hearing regarding the Chingford View subdivision in North East Valley. He considered the approach to be arbitrary and not accurate and was not confident that the revised mapping had been carried out with rigour.
303. He stated that the reason for the instability at 193 Evans Street, North East Valley, was due to a DCC stormwater system failure, which has been remediated with a retaining wall and is purely a drainage issue. He therefore did not consider the instability to be a natural hazard and did not think it should be included in the 2GP. He was particularly concerned about the effect of the hazard zoning on house sale prices, and gave an example of a sale falling through due to the overlay zone appearing on a LIM report.
304. *Mr Christian Jordan* (OS927) appeared at the hearing in regard to 35-37 Bernard Street, Kenmure, and wanted to confirm that the Reporting Officers' recommended removal of the Hazard 2 (land instability) Overlay Zone in this location would occur. He stated that the instability wasn't actually a landslide but a watercourse issue, and that he had provided an engineering report with his subdivision application. He was concerned that the land instability could still show up on a LIM report and wanted it removed.
305. The following submitters pre-circulated written statements stating that they supported the Reporting Officers' recommendations in relation to their properties, and did not appear at the hearing:
- *Mr Matthew Schofield* (OS405, FS2415)
 - *Gladstone Family Trust* (OS249)
 - *Mr Alan & Ms Pauline Blomfield, for Bloomfield Family Trust* (OS104)
 - *Mr Alistair & Ms Debra Bowler* (OS95)
 - *Mr David Randle* (OS707)
 - *Mr Mark Hanrahan and Ms Megan White* (OS50)
 - *Mr Ross Gordon & Ms Patricia Ann Allen* (OS784)
306. *Mr Philip Gilbert Williams* (OS340) tabled an email at the hearing but did not appear in person. He stated that he no longer intended to appear at the hearing as a result of the Reporting Officers' recommendations.
307. In their revised recommendations the Reporting Officers noted that as a result of submissions a number of the land instability areas had been reviewed by GNS Science and/or the ORC, but not all areas were reviewed. They said it may be possible to increase the extent of the area review of land instability areas than had previously been undertaken.
308. We questioned Dr Mackey (ORC hazards analyst) and Mr Barrell (GNS engineering geologist/geomorphologist) about the extent of the overlays, and they both replied that further investigation of the extent of mapped areas should be undertaken. We tasked Dr Mackey and Mr Barrell to undertake this additional work and provide us with the results.
309. Following the Natural Hazards hearing the Reporting Officers provided us with a publicly available memo regarding land instability hazards. On advice from ORC and GNS, the Reporting Officers recommended that the Hazard 2 (land instability) Overlay Zone be updated as recommended by GNS. The Reporting Officers noted that any newly identified land instability areas would not be included in the 2GP as they would be out of the scope of submissions, however, they would be included in LIMs and could be included in the 2GP in the future via a plan change process.

310. The memo recommended a number of changes to the land instability overlay zone boundaries both within and outside of the previous GNS review area. In regard to the submissions outlined above, Table 4 below outlines what the memo recommended:

Table 4: Changes to land instability overlay zone boundaries

Address	Submitter	Recommendation
193 Evans Street, North East Valley	<i>Mr Chave</i>	Remain in land instability overlay zone
10 Marion Street, Macandrew Bay	<i>Mr Kjaergaard</i>	
35-37 Bernard Street, Kenmure	<i>Mr Jordan</i>	Remove from land instability overlay zone
171 Pigeon Flat Road, Waitati	<i>Mr Norrish</i>	
427 Waitati Valley Road, Waitati	<i>Mr Soal</i>	
320 Steep Hill Road, Merton	<i>Mr Douglas</i>	
39-47 Saddle Hill Road, Saddle Hill	<i>Mr Wilden</i>	Do not add a land instability overlay zone to this property as requested by submitter

3.9.2.4 Decision and Reasons

311. Our decision is to reject the submissions seeking the removal of the Hazard 1 and 2 (land instability) Overlay Zone maps in their entirety but to make adjustments to the maps based on the updated research.
312. We acknowledge the technical information used to map the overlay zones has been prepared by suitably qualified professionals, with five technical reports produced on land instability since 2012 to inform the mapping. The information used is the best natural hazard information available, having been through a number of review processes, and incorporating information provided by submitters. We are therefore satisfied that the information used to develop the overlays has gone through a robust and fit for purpose process.
313. However, we amend the Hazard 1 and 2 (land instability) Overlay Zones as recommended by Dr Mackey and Mr Barrell in their evidence/reports, which we note considered the evidence given in submissions. These amendments include changes to risk categorisation (Hazard 1 or 2) in some circumstances, removal of the buffers, and amendments to the overlay extents including complete removal of the overlay zone in some areas.
314. With regard to the submission from *Garreth Ronald Patterson (OS638.1)*, we do not consider it necessary to differentiate between Hazard 2 (land instability) Overlay Zones identified due to their source being landslide or historical mining, as regardless of the source of the instability it is appropriate and efficient to manage them in the same manner.
315. In regard to the Reporting Officers option of adding a descriptor/metadata to the existing mapping, we consider that would assist users of the district plan.
316. We accept the advice of the Senior Planner that there is no scope to include the additional areas identified that are considered susceptible to landslides, due to lack of scope from submissions. Even if there had been scope, we believe it would be unfair to add controls without a full public process. However, we note that these may be included in the 2GP at a later date through a plan change process, and as the experts' reports are information held by the Council, the Council is legally obliged to include any relevant information and assessment in LIMs. This includes information about landslides classified as historically inactive or where the history of movement was unknown.

317. We appreciate that this is by no means ideal for some affected property owners, but the evidence was that it is difficult and expensive to map exact areas at risk and to define the level of risk for each property. We accept the advice from the Reporting Officers and the experts they called that the best practical approach is to map areas considered susceptible to landslides, using the best available information, while recognising that mapped areas are not necessarily impossible to develop. If development within an overlay area is proposed in the future, more detailed further investigation will be required.

3.10 Coastal Hazard Management and Mapping

318. We note that natural hazards are now a Matter of National Importance (section 6) in the RMA, and recognise that the Parliamentary Commissioner for the Environment's report clearly states that sea level rise is a matter that requires consideration.
319. Hazard 3 overlay zones are areas considered to have a lower risk. They include areas where risk may worsen over time, particularly coastal areas subject to potential inundation through sea level rise or other coastal hazards, which cumulatively could result in more significant consequences.
320. The Hazard 3 (coastal) Overlay Zone includes low-lying areas along Dunedin's coastline identified as being susceptible to a number of coastal hazards including inundation due to coastal hazards (e.g. storm surge), potential effects of sea-level rise and potential changes to the morphology of the shoreline over the next 100 years.
321. The Hazard 3 (coastal) Overlay Zone was identified using reports from the ORC (Coastal Hazards of the Dunedin City District, 2014) and MWH (Methodology for Determining Minimum Floor Levels, 2011), which both took sea level rise into consideration.
322. The 2GP manages coastal hazards through the following provisions.
323. Policy 11.2.1.8 is as follows (implemented through Rule 11.3.3 (Minimum Floor Level)):
- "In the Hazard 1 and 2 (flood) and Hazard 3 (coastal or flood) Overlay Zones, require new buildings intended for sensitive activities to have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that risk is no more than low."*
324. Policy 11.2.1.9 is as follows (implemented through Rule 11.3.4 (Relocatable Buildings)):
- "In the Hazard 3 (coastal) Overlay Zone, require new buildings to be used for sensitive activities to be relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated."*
325. Policy 11.2.1.13 is as follows:
- "In the Hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, only allow subdivision activities that will only result in a minimal increase in development potential for sensitive activities or potentially sensitive activities."*
326. This policy is implemented through assessment Rule 11.5.2.8 which refers to Objective 11.2.1 and Policy 11.2.1.13, and notes conditions that may be imposed ("restrictions and conditions, including by way of consent notice, restricting future subdivision activities"). Rule 11.5.2.9 also contains assessment matters for all subdivision activities.
327. There is no change to the activity status of activities within the Hazard 3 (coastal) Overlay Zone.

3.10.1 Submissions

3.10.1.1 Remove Hazard 3 (Coastal) Overlay Zone from properties

328. There were 12 submitters¹⁰ (including the *Southern District Health Board*) who requested removal of the Hazard 3 (coastal) Overlay Zone in some form (e.g. from a specific zone/property). The submitters raised various concerns including concerns over the accuracy of the information, concerns about the costs to them to get expert assessments if they want to undertake any development within the overlay zone. They questioned the fairness of the approach, and some submitters also argued that the implications of the overlay zone are out of kilter with the risk posed, and that the Section 32 Report and associated documents were deficient.
329. The *ORC* (FS2381) opposed six of these original submissions, largely those that requested removal of specific properties. The *ORC* requested that the Hazard 3 (coastal) Overlay Zone be retained as they considered the mapping was fit for purpose and used high resolution LiDAR-derived elevation data.
330. *The Roman Catholic Bishop of the Diocese of Dunedin* (OS199.2) requested that the Hazard 3 (coastal) Overlay Zone affecting 22 to 42 Macandrew Road, South Dunedin be reviewed. The submitter considered that the overlay zone needed to be reconsidered given the distance of these properties from Otago Harbour and the sea.
331. *Timothy George Morris* (OS951.22) and *Timothy Morris (on behalf of RG and SM Morris Family Trust)* (OS1054.22) requested that the Hazard 3 (coastal) Overlay Zone boundary be adjusted adjacent to Hoopers Inlet as they considered the extent to be inaccurate and misleading.

3.10.1.2 Overall approach

332. *Clare Curran* (OS1079.1) requested that DCC review the Hazard 3 (coastal) Overlay Zone for South Dunedin, revise the hazard status, and consult with the South Dunedin community. She considered the overlay zone to be out of date due to flooding of South Dunedin in June 2015 and the release of the PCE report. However, she stated that the status quo is inappropriate as the issue will become increasingly more urgent if nothing is done. Ms Curran's submission stated that engagement with the affected community must happen before major decisions are made.
333. *The NZ Institute of Surveyors – Coastal Otago Branch* (OS490.16) requested that the Hazard 3 (coastal) Overlay Zone be adjusted by identifying sub-areas that might be classified 'safe' if residential activities and associated infrastructure were removed from the more significantly affected areas. Further, they sought that land that has been retreated from, due to inundation as a result of sea level rise, should be rehabilitated into a natural form. The submitter noted the recent PCE report and the implications of sea level rise for South Dunedin. The submitter considered that it seemed unlikely that DCC will spend a significant amount of money on maintaining Council-owned infrastructure in South Dunedin and that one of the logical options of addressing the worst affected areas is to encourage managed retreat.
334. The *ORC* (FS2381.475 and FS2381.485 respectively) opposed these original submissions because they considered the mapping was fit for purpose and used high resolution LiDAR-derived elevation data and requested that the Hazard 3 (coastal) Overlay Zone be retained.
335. The *ORC* (OS908.43) requested that the Hazard 3 (coastal) Overlay Zone be changed to a Hazard 2 (coastal) Overlay Zone where significant storm surge events would have moderate to high consequences. They disagreed with the statement in section 11.1.4 of the 2GP which states "At this stage, no areas have been identified as being exposed to a high or moderate risk from coastal hazards (Hazard 1 or 2 Overlay Zones), but areas may be included in these categories on the basis of future

¹⁰ See s42A Report, Section 7.5.1, for list of submitters.

assessments". They considered that a number of communities (including South Dunedin, Aramoana, Harwood and Long Beach) have experienced events that according to Table 11.1 of the 2GP have high risk as they are 'likely' and may have 'moderate consequences' as per 2GP definitions, in particular:

- serious structural damage to property which is costly but still repairable;
- physical isolation on site for more than two days; and
- limited reliance on civil defence (or in their absence, emergency services).

336. Further, the *ORC* stated that the method used to define particularly low-lying land which meets these criteria is explained in the report "Coastal hazards of the Dunedin City District" (*ORC*, 2014), along with the likely effects of inundation in these areas.

3.10.2 s42A Report Recommendations

337. The Reporting Officers explained with regard to the mapping of the coastal hazard areas, that following notification of the 2GP, the *ORC* natural hazards staff had reviewed these submissions and recommended a minor amendment to the extent of the overlay zone as detailed in the evidence of Dr Ben Mackey *Coastal Hazards, 6 October 2016*. As such, they recommended that the Hazard 3 (coastal) Overlay Zone be amended to reflect this amended information provided by the *ORC* in regard to the extent of the overlay zone (s42A Report, Section 7.5.1, p. 337). No recommendation or advice was provided on whether any areas should be included in a Hazard 2 (coastal) Overlay Zone.

338. In regard to the *Southern District Health Boards'* submission about the mapping at the Dunedin Hospital site, as only a very small portion of the Dunedin Hospital site was included in the Hazard 3 (coastal) Overlay Zone, and this appeared to be a mapping anomaly, the Reporting Officers recommended it should be removed from the Hazard 3 (coastal) Overlay Zone.

339. The Reporting Officers noted that they had also recommended amendments to the relocatable buildings rule and removal of the minimum floor level rule, which may alleviate some of the submitters' concerns.

340. They did not make any specific comments on the submissions of *Clare Curran*, the *NZ Institute of Surveyors – Coastal Otago Branch* or the *ORC's* request for a Hazard 2 (coastal) Overlay Zone in certain areas.

3.10.3 Hearing Evidence

341. Ms *Clare Curran* (OS1079) appeared at the hearing stating she was representing "the constituents who live, work and play in South Dunedin". She noted the June 2015 flood event and its effects, including physical, emotional and economic damages. She stated that the South Dunedin area has since been subject to scrutiny and dire predictions, acknowledging that the area has vulnerabilities and that there is factual evidence of sea level rise.

342. Ms *Curran* was of the opinion that the 2GP approach for South Dunedin was piecemeal and may stifle redevelopment and considered that as notified, the Hazard 3 (coastal) Overlay Zone, minimum floor level and relocatable building requirements were confusing for residents given other messages. She considered that the relocatable building rule was being viewed as code for managed retreat but that the Mayor has confirmed that managed retreat is not on the table.

343. Further, she stated that the relocatable buildings rule is not good for urban design, could add cost to development, have insurance and house value implications, applies only to residential buildings, and introduced a consent process if the rule could not be met. Ms *Curran* considered that minimum floor level requirements would send a clearer message. She considered that if sea level rise is the main concern then protection measures should be found for the whole area (referring to South Dunedin - the relocatable buildings rule also applies to other coastal areas).

344. She stated that the ORC and DCC are currently gathering data and looking at options, and considered the time was right for practical discussions about most at risk areas (options/redevelopment etc.), but that community input mechanisms were unclear. She considered a more “joined up” process was required.
345. *Ms Curran* asserted that the 2GP process was happening in isolation to other pieces of work and will pre-determine other outcomes. She still considered that the Hazard 3 (coastal) Overlay Zone should be removed as more work (e.g. a broader strategy) needs to be done to get it right.
346. Julie McMinn (planner) tabled an email at the hearing on behalf of the *Southern District Health Board* (OS917) but did not appear. She stated that the submitter supported the Reporting Officers’ recommendation to uplift the Hazard 3 (coastal) Overlay Zone from the Dunedin Hospital site.
347. The ORC witnesses at the hearing did not provide any evidence to support the ORC request that the Hazard 3 (coastal) Overlay Zone be changed to a Hazard 2 (coastal) Overlay Zone in certain areas.

3.10.4 Decision and Reasons

348. Before addressing the specific requests from submitters, we should record that we are satisfied from the evidence that although the effects of climate change are currently low to moderate in the Hazard 3 (coastal) Overlay Zone areas, those effects are undoubtedly going to increase. The uncertainty about the rate at which those effects will increase is no reason to ignore them, as some submitters seem to suggest.
349. We are required under section 7 of the Act to have “particular regard to” “the effects of climate change”. In the case of the lower risk, Hazard 3 Zone, the 2GP approach is to recognise those effects by relying on mitigation measures, particularly minimum floor level requirements (discussed above) and the relocatable buildings provisions (discussed below). We accept the Reporting Officers’ advice that minimum floors levels can be left to the Council’s powers under the Building Act, leaving the relocatable building provisions as the only mitigation measures to consider.
350. With regard to the ORC submission (OS908.43) to change from a Hazard 3 (coastal) Overlay Zone to a Hazard 2 (coastal) Overlay Zone in areas which may be subject to significant storm surge events, we have carefully considered the information contained in the “Coastal Hazards of Dunedin City District” (ORC, 2014) report, but did not hear any planning evidence as to why a Hazard 2 status would be more effective or efficient in managing development in this location.
351. We note that in Section 3.4.2 of this decision that we have made changes to the definition of ‘moderate consequences’ and consider that, for the purposes of the Table 11.1 Risk Guidance, that coastal natural hazard events are likely to result in minor consequences for most affected properties. We also believe that the implications of the change of status should be introduced through a public participatory planning process with a focus on the relevant areas, and for these reasons, on balance, consider that a Hazard 3 (coastal) status is appropriate for the 2GP.
352. We note that the research referred to in the ORC submission is referenced on LIMs, meaning that people have more detail about potential effects in these areas through that information process.
353. We accept the request of the *Southern District Health Board* (OS917.29) to remove the Hazard 3 (coastal) Overlay Zone from the Dunedin Hospital site, in order to correct the mapping anomaly.
354. We also accept the submission of *John Lloyd* (OS171.1) to remove the Hazard 3 (coastal) Overlay Zone from 1 Paloona Street, Aramoana. We amend the Hazard 3 (coastal) Overlay Zone as recommended based on the revised coastal hazard extents given by Dr Mackey in his evidence (which we note considered the evidence in

submissions), as the amendments ensure that the mapping is as up to date and accurate as possible.

355. Our decision on submissions about the relocatable buildings and minimum floor level performance standards is set out below.

3.11 Relocatable Building Provisions

3.11.1 Background

356. The definition of 'relocatable building' in the 2GP is as follows:

"For the purposes of the natural hazards provisions, relocatable means a building that is designed and constructed to be able to be either:

- *portable (designed to fit in one piece on a truck) or has wheels and can be towed; or*
- *safely deconstructed into parts (if required), lifted, and transported off site, by crane and truck. This includes buildings that can be transported either in one piece, or a limited number of pieces."*

357. Policy 11.2.1.9 states:

"In the Hazard 3 (coastal) Overlay Zone, require new buildings to be used for sensitive activities to be relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated."

358. Rule 11.3.4 Relocatable Buildings states:

1. *In the Hazard 3 (coastal) Overlay Zone, new buildings to be used for sensitive activities (including residential buildings) must be relocatable.*
2. *Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the performance standard for relocatable buildings.*

359. Associated Note 11.3B – General Advice states:

1. *Relocatable buildings may not avoid all risks from natural hazards, particularly in the long term.*
2. *Development in hazard prone areas, including in the identified hazard overlay zones, are at an owner's risk and the DCC does not accept any liability in regards to development and risk from natural hazards.*

3.11.2 Submissions

3.11.2.1 Requests to remove provisions

360. There were 13 submissions¹¹ received requesting that the relocatable building provisions be removed, through requests to remove Policy 11.2.1.9, Rule 11.3.4 (relocatable buildings) or associated provisions.

361. The reasons for the submissions included general opposition to the Hazard 3 (coastal) Overlay Zone and associated provisions including perceived unfairness of the approach, and implications for costs, housing affordability, poor design outcomes, and development feasibility. Submitters also considered that the Section 32 analysis and technical reports were deficient.

362. Submitters also raised concerns about the approach taken to address sea level rise and the economic implications. They considered that the provisions were unworkable

¹¹ See s42A Report, Section 5.7, for list of submitters.

when considered in conjunction with the definition of Sensitive Activities, and that the rule did not specify what types of buildings were considered to be relocatable. Further, submitters were of the opinion that mitigation/infrastructure could be used to mitigate the risk.

363. The Reporting Officers recommended rejecting these submissions, but considered that other amendments to the rule, recommended in response to other submissions, may address the concerns raised. The Reporting Officers were of the opinion that requiring new buildings used for Sensitive Activities to be relocatable will enable communities to respond to the effects of climate change in the future, while sending a message about the current uncertainty regarding the long-term viability of areas subject to sea level rise.
364. They also stated that performance standards are being used rather than consent requirements, to minimise the costs associated with plan provisions (s42A Report, Section 5.7, p. 178).

3.11.2.2 Request to amend the Relocatable Buildings performance standard (Rule 11.3.4) regarding applicability to buildings other than for residential purposes

365. The *Dunedin City Council* (OS360.239) sought that the Relocatable Buildings performance standard (Rule 11.3.4) be amended so that it only applies to residential buildings with a height of 9 metres or less, and not those buildings which do not regularly have people present, e.g. garages. It was supported by one further submitter, and supported, in part, by another further submitter in regard to narrowing the applicability of the rule.
366. Similarly, *Grants Motels Ltd* (OS961.1) sought to have the rule amended or deleted so that structures other than houses do not need to be relocatable. The submitter considered that a better alternative to the rule was to raise the minimum floor height further than proposed. The submitter considered that if this alternative was not accepted, there will be no new development of South Dunedin and existing buildings would be left to decay.
367. The Reporting Officers recommended accepting these submissions, in part, and amending Rule 11.3.4 to only apply to new residential buildings no greater than 9m in height. They considered it was reasonable to limit which activities need to comply with the rules, and that the amendments better link the rule to the type and scale of buildings that those activities are ultimately likely to occupy.
368. Further, they noted the practicality of buildings being able to be designed and built to be relocatable, including that buildings used for non-residential activities or buildings over 9m in height are likely to be more difficult to be designed to be relocatable (s42A Report, Section 5.7, p. 179).

3.11.2.3 Request to amend the Relocatable Buildings performance standard (Rule 11.3.4) regarding location of applicability

369. There were four original submissions¹², and three supporting further submissions seeking to have the Relocatable Buildings performance standard (Rule 11.3.4) amended in order that it no longer apply to specific areas, including the Harbourside Edge Zone, South Dunedin, St Clair and St Kilda. Alternatively, one submitter suggested the Hazard 3 (coastal) Overlay Zone could be refined to identify specific known areas at risk from sea level rise.
370. The submitters' reasons included that the rule is overly onerous and impractical in the Harbourside Edge Zone (which anticipates residential and visitor accommodation activities). Submitters also considered that requiring relocatable buildings might

¹² See s42A Report, Section 5.7, for list of submitters.

- detract from the ability to create appealing and attractive buildings, use cost effective construction techniques, be energy efficient and have healthy homes.
371. Some submitters also stated that the rule would restrict building size and height, and noted that building on piles may result in less stable building platforms, adding to the risk of earthquake damage.
372. Submitters considered that a common understanding of relocatable suggests this would be impractical to achieve in an inner city mixed use development, and that a more practical approach may be to incorporate specific foundation design requirements.
373. *Bindon Holdings Ltd* (OS916.5) sought that the rule be amended or removed so that commercial uses that are appropriate in the Commercial and Mixed Use Zone were not unnecessarily constrained. The submitter noted that the definition of Sensitive Activities included activities that are provided for as permitted activities in zones where the Hazard 3 (coastal) Overlay Zone applies. The submitter appeared to be particularly concerned about visitor accommodation and considered minimum floor level requirements to be sufficient to manage the hazard.
374. The *ORC* (OS908.44) submitted that other areas should also be subject to Rule 11.3.4, specifically areas in close proximity to the coast which are underlain by unconsolidated sediments. The submitter noted that although these areas are sufficiently elevated to not fall within the Hazard 3 (coastal) Overlay Zone, they may be affected by coastal erosion in the future.
375. The *Southern District Health Board* (OS917.32) and the *Ministry of Education* (OS947.10) sought that Rule 11.3.4 be amended to provide an exemption from the requirement to be relocatable, as long as new buildings to be used for Sensitive Activities were designed by an appropriately qualified expert/person (or some other relief that reflects expert design can mitigate the risk of natural hazards on a development or building). Their reasons included that the performance standard was impractical; any redevelopment would be managed and designed by appropriately qualified experts that would mitigate the risk of coastal hazards, and that any redevelopment of a site at risk from a natural hazard should be managed according to the actual risk affecting the site.
376. The *Ministry of Education* (OS947.10) was supported in part by *Bindon Holdings Ltd* (FS2471.4) in so far as the submission sought to widen the management regime for natural hazards, as opposed to applying a one-size-fits-all approach that is inappropriate to apply to mixed use areas that accommodate a range of activities and varying related built form.
377. The Reporting Officers did not recommend any amendments to Rule 11.3.4 in response to these submissions specifically, but noted amendments recommended elsewhere in the s42A Report that would alleviate some of the concerns raised, including removal of the Hazard 3 (coastal) Overlay Zone from the Dunedin Hospital site, and amendment to Rule 11.3.4 in order that it only apply to new residential buildings no greater than 9m in height containing residential activities on the ground floor.
378. The Reporting Officers stated that other amendments were not made because most modern buildings are understood to be relocatable without incurring additional costs or limiting the design and attractiveness of a building. They also considered that the resource consent process is the best method to address exemptions. Further, the Reporting Officers did not consider it appropriate to only apply the relocatable building rule to some areas subject to coastal hazards and not others (that are mapped in the 2GP as such) (s42A Report, Section 5.7, p. 181).

3.11.3 Hearing Evidence

379. Mr Alex Voutratzis appeared at the hearing on behalf of the *Property Council New Zealand* (OS317) and tabled a written statement. He stated that he was aware of the history of the South Dunedin area and the June 2015 flood event and considered

- that the Plan was excessively cautious at the cost of growth. He acknowledged the Reporting Officers' recommended amendments to the relocatable rule in order that it only applied to residential buildings, but still had concerns regarding the lack of awareness around feasibility and costs, noting the s42A Report which stated that most buildings are relocatable while ignoring the cost of development.
380. Mr Voutratzis noted that South Dunedin contains poor housing stock that requires revamping, but there was a need to alleviate the effects of sea level rise and manage flooding more effectively, to avoid the need to be relocatable. He also stated that the *Property Council New Zealand* wanted to be part of any conversation about rezoning land for where relocatable housing will move to.
381. Mr Justin Stott (Commercial Property Manager) was called by *Harborough Properties Limited (HPL)* (OS866) and tabled a written statement. He noted that its submission was initially about commercial buildings but that Rule 11.3.4 is now recommended to only apply to residential buildings. He considered that it was an inappropriate time to implement the provisions and that more information was required, having particular concerns regarding the sea level rise figures that have been used.
382. He stated that there were potentially unintentional effects of the proposed rule (for example urban design and cost implications) and considered that there were better ways to move forward. He did not want the relocatable building provisions to be implemented at all.
383. Mr Fred Hocken appeared at the hearing and tabled a written statement on behalf of *Grants Motels Ltd* (OS961). He supported the Reporting Officers' recommendation that the Relocatable Buildings Performance Standard (Rule 11.3.4) only apply to residential buildings and that visitor accommodation would not be caught by the rule. He noted that the lifespan of a motel is about 50 years and that motels need solid walls in order to be properly soundproofed which makes it impractical to make them relocatable, believed the risk was on the owner, and supported the plan for new houses to be relocatable even though the timeframe is long.
384. Mr Len Andersen (counsel) presented legal submissions for *Port Otago Limited* (OS737) & *Chalmers Properties Limited* (OS749, FS2321) on Rule 11.3.4 and associated provisions.
385. Mr Andersen supported the recommended amendments to Rule 11.3.4 but submitted that the wording could be simplified (in that the height limit was unnecessary), and considered that consequential amendments were also required to Policy 11.2.1.9 and the assessment criteria in Rule 11.4.2.7. He submitted that the definition of 'relocatable building' effectively limits the size of the building.
386. *Christopher Dean Valentine* (OS464) appeared at the hearing in regard to Rule 11.3.4 (relocatable buildings). He stated that as yet there was not sufficient data on sea level rise (while acknowledging climate change is a reality), longer term effects are unclear, and that climate change doesn't introduce new coastal hazards, only exacerbates existing ones.
387. *Mr Valentine* considered that relocatable buildings are ok where coastal erosion is a possibility and that minimum floor levels are appropriate for storm surge effects, but that the areas identified do not reflect the hazards. He considered these rules to be inappropriate and did more harm than good and stated that he has seen no reports to back them up. Further, he stated that existing use rights mean the relocatable building rule only applies to new residences which seems inappropriate and could result in poorer quality development. He stated that it is not fair and reasonable to require relocatable buildings now when technical information may come to light in the future showing it is not needed.
388. He stated that the Mayor has said options shouldn't be rushed into but that there is a need to plan carefully. He stated the BECA report concludes that defences can be made against sea level rise and that he had done cost estimates that indicate a targeted rates rise of \$500 would be required and he considered that this wouldn't

- be a big problem. He noted that the flood scheme on the Taieri Plain showed that mitigation is possible.
389. Further, he stated that managed retreat is an option but he believed that there are alternative options open for South Dunedin at the moment, and that DCC should continue to consult with the community and ask what they are willing to pay to save their homes. He did not think there should be a rule requiring the burden of being relocatable when a decision hasn't been made about managing retreat as it sounds like a message is being sent that DCC is retreating from South Dunedin.
390. Mr Neil McLeod (DCC Principal Advisor – Building Solutions) prepared a memo for the Natural Hazards Hearing discussing how DCC would assess if a building was relocatable or not. In his memo he noted that the 2GP includes a definition of 'relocatable building' and that building consents have previously been granted for buildings that were required to be relocatable without difficulty in determining what was required.
391. At the Natural Hazards hearing, the Reporting Officers tabled an addendum regarding Rule 11.3.4. They stated that as a result of enquires/feedback being received since the s42A Report was released that they considered further amendment to the rule was required to better address submitters' concerns, particularly due to the definition of residential activities. As such, they recommended that Rule 11.3.4 be further amended to only apply to residential buildings containing residential activities on the ground floor.
392. They also recommended further amendment to Rule 11.3.4 in order that it be simplified, and relate to a single residential activity (rather than applying to residential activities).
393. The Reporting Officers also recommended amendments to Policy 11.2.1.9 in order to be consistent with Rule 11.3.4. Amendments were also recommended to the Policy in order that it no longer specify an outcome or effects-based test for assessing applications for consent that contravene the standard, because the nature of the standard 'to be relocatable' was very black and white and difficult to identify an alternative means of achieving the same outcome (e.g. that if an area becomes unsafe to live in due to climate change increasing risk, the asset can be protected from loss). The Reporting Officers suggested that a better alternative to being relocatable would be a specified intended life of building in terms of section 113 of the Building Act should the performance standard not be able to be met. Amendment of Policy 11.2.1.9 results in consequential amendments to assessment criteria in Rule 11.4.2.7.ii.

3.11.4 Decision and Reasons

394. Overall, we consider retaining Rule 11.3.4 (relocatable buildings) to be appropriate because requiring new buildings with residential activity on the ground floor to be relocatable will assist communities to respond to the effects of climate change in the future, and sends a signal about the uncertainty over the long-term viability of areas that are predicted to be badly affected by climate change.
395. As already noted, we accept that minimum floor level requirements enforced under the Building Act address the issue of protecting buildings from damage in the event of flooding, but we do not consider that is sufficient to ensure the efficient use and development of physical resources in situations where it may not be viable to inhabit buildings as the inundation of land and streets around these buildings increases in frequency and severity.
396. There may have been a misconception on the part of some submitters that buildings would have to be capable of being moved in one piece. The definition is clear that buildings have to be "designed and constructed" to be relocatable and it goes on to describe how this includes being designed to be able to be dismantled and transported in sections. We do not see this as an onerous requirement. It will not prevent buildings that are too wide to be transported whole, but it will reduce the

- range of exterior cladding options. We consider that the amendment to the rule recommended by the Reporting Officers to limit its application to buildings containing residential activity on the ground floor addresses many of the other submitters concerns. Amendments to Rules 11.3.4, 15.6.5.4, 16.6.3.4, 17.6.3.4, 18.6.7.4, 19.6.4.4, 31.6.3.1 and 34.6.5.2 to change the rules applying to relocatable buildings are shown in Appendix 1 and attributed to submission points NH360.239 and NH961.1, and amendments to Policy 11.2.1.9 and Rules 11.4.2.7 to change provisions for sensitive activities and relocatable buildings are shown in Appendix 1 and attributed to NH737.9 and others.
397. We note that rules 20.6.4.4, 23.6.3.2, 25.6.4.2, and 32.6.4.4 have been deleted, as residential activity is a non-complying activity in these zones. Consequential assessment guidance was also removed. These amendments were attributed to clause 16.
398. It should be further noted, that no amendment was made to Rule 11.3.1.2 (Dune system mapped area), as reference to relocatable buildings was removed subject to submission NH 73.4 (see Section 4.5).
399. We carefully considered the option of not having the rule apply to South Dunedin or the Harbourside Edge zones, taking into account the argument that as these areas are in the main urban area, all practicable steps would be taken by the Council to protect the very substantial built resources there.
400. The evidence, including the background reports provided to the Panel and submitters, indicates that there is considerable uncertainty about the timing of impacts of rising sea level and more severe storms, but the experts are unequivocal that impacts are inevitable. South Dunedin already experiences inundation from a combination of flooding from rainfall in the catchment above and ground saturation partly from rising average sea level. We have no evidence that the scale of the problems within the 50 years or so anticipated life span of new buildings could be adequately alleviated by feasible engineering works. In our assessment a precautionary approach is necessary.
401. We are not persuaded that requiring new single unit residential buildings to be designed to be relocatable would be onerous and likely to discourage redevelopment in South Dunedin. There are many design/housing options that could meet the rule, as witnessed by the rise of relocatable housing companies and products on offer in New Zealand.
402. Finally, we have considered the option suggested by the Reporting Officers of providing an exemption for buildings with a limited designed life (section 113 of the Building Act). We are reluctant to encourage temporary buildings because the problems being created by climate change may become severe even within the life of buildings classed as temporary under the Building Act. Instead, we amend Policy 11.2.1.9 to enable consideration of site constraints that mean having a relocatable building is not practicable for circumstances in which the performance standard is not able to be met.
403. We note that the activity status for contravention of the relocatable buildings performance standard is restricted discretionary. We would prefer that the activity status was non-complying, however we note that there is no scope to make this change.
404. Further, we amend the definition of 'Relocatable Building' to only be titled 'Relocatable' to ensure that whenever the term relocatable is used that the relevant definition pop-up is shown.

3.12 Minimum Floor Level Provisions (flood and coastal)

405. Policy 11.2.1.8 of the 2GP states:

"In the Hazard 1 and 2 (flood) and Hazard 3 (coastal or flood) Overlay Zones, require new buildings intended for sensitive activities to have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that risk is no more than low."

406. Policy 11.2.1.8 is implemented through Rule 11.3.3 (Minimum Floor Level Performance Standard), which sets both coastal and flood minimum floor levels to be met in specific areas. For flood hazard the levels are given in Rule 11.3.3 and a flood minimum floor area mapped area (including a default level for areas within a flood overlay zone that are not included in the minimum floor level mapped area). For coastal hazards the levels are given in Rule 11.3.3 and the Hazard 3 (coastal) Overlay Zone. Buildings that do not have people regularly present (e.g. garages) are exempt from the floor levels.
407. The flood minimum floor levels included in the 2GP were based on a report by GHD '*Dunedin City Council, Minimum Floor Levels for Flood Vulnerable Areas, March 2015*'. This report describes the methodology that GHD used to establish recommended minimum floor levels and provides recommendations on what the minimum floor levels should be in certain areas.
408. The coastal minimum floor levels included in the 2GP were based on data from the ORC report '*Coastal Hazards of the Dunedin City District, June 2014*' and taking the approach as recommended by MWH in their '*Methodology for Determining Minimum Floor Levels 2011*' report.

3.12.1 Submissions

3.12.1.1 Requests to amend South Dunedin coastal minimum floor levels

409. Mr *Clifford Seque* (OS449.1), supported by three further submitters, sought that the coastal minimum floor level for South Dunedin (Area B) be reduced to 300mm above the crown of the road. He noted that the road at 6 Calder Street is 101.2m, meaning that buildings will have to be constructed 1.5m above the height of the road. He considered 300mm above the height of the road to be more practicable. He also noted that proposed dwellings would have to be two storeys high, with garage and storage only on the ground floor.
410. The further submitters considered that the effect of the rule would outweigh the benefit it is trying to achieve, noting that two-storied buildings would only meet the planning rules if the lower level was resistant to flooding, with, for example, garaging on the ground floor. The further submitters considered that this style of property is not requested or desired by the typical residents of the area, who choose to live in that location partly due to it being level and easy to access.
411. Mr *Philip Gilchrist* (OS597.2) also sought that the coastal minimum floor level for South Dunedin be amended, as he considered that at present it is not practical, especially in the retail precinct with pedestrian access from footpaths, as accessibility requirements would necessitate ramps about 18m long or lifts to access floor levels. He also noted ground level in parts of South Dunedin of 101.1m, necessitating buildings 1.5m above ground level. Mr Gilchrist considered it would be more practical to set the level above known flood levels, and that infrastructure, and the proper maintenance of it, should be able to deal with floods.

3.12.1.2 Requests to remove minimum floor level mapped areas and/or provisions

412. Nine submitters¹³, supported by five further submissions, requested that the minimum floor level mapped areas and/or provisions (Policy 11.2.1.8, Rule 11.3.3) be removed from the 2GP, either in totality or in part.

¹³ See s42A Report, Section 5.6, for list of submitters.

413. Submitters' reasons included general opposition to the Hazard 3 (coastal) Overlay Zone and that its implications are unjustified and unduly restrictive/unreasonable. They considered that there would be adverse consequences including in relation to costs which they considered to be out of kilter with the risk.
414. Further, submitters considered that reliance on minimum floor levels does not recognise variety of built form, and stated that new buildings used for Sensitive Activities may be able to mitigate coastal hazards to an appropriate degree utilising alternative methods to minimum floor levels. Some submitters also stated that they were not aware of flooding on specific sites.
415. Submitters also stated that the GHD 2015 work had led to the creation of overly conservative flood maps and therefore minimum floor levels. Their concerns were particularly in regard to the accuracy of the modelling and addition of 500mm of freeboard, and the methodologies used to develop them.
416. The *ORC* opposed the request to remove the minimum floor level mapped areas (and therefore minimum floor level provisions), as they considered minimum floor levels can be an appropriate response to some instances of flood risk but that the minimum floor levels have large limitations and may not achieve adequate flood mitigation. The *ORC* considered that rather than removing the mapped areas, the limitations should be addressed.
417. Three submitters requested that minimum floor levels not be required, but instead be encouraged. The reasons provided by the submitters included that the cost of the policy could be substantial and jeopardise the feasibility of all future residential or commercial developments affected, and that the use of 'require' is overly prescriptive and may potentially establish a threshold that a development must meet without any reference or guidance to the rules or performance standards for the hazard overlays.

3.12.1.3 Requests to allow alternatives to minimum floor levels

418. Three submitters¹⁴, supported by three further submissions, were received requesting amendments to Policy 11.2.1.8 and Rule 11.3.3.2 to allow for flood resilient design and construction as an alternative to minimum floor levels. The submitters considered that in some cases it would not be functional or practical to raise floor levels, for example for additions to an existing building, therefore, other risk management solutions should be provided for. One submitter also considered it appropriate to incorporate the ability to consider a wider range of mitigation options.
419. One submitter sought that Rule 11.4.2.4 (the assessment rule for breaches of Rule 11.3.3.2) be amended to add new assessment guidance for when minimum floor level performance standards are contravened. While they considered that hazard overlay zones were necessary, the submitter stated that the planning response needed to recognise the practicalities and necessity of achieving minimum floor levels (particularly within large industrial sites) could be difficult to integrate into existing buildings (potentially failing to enable the use and development of industrial zones as sought under Objective 19.2.1).

3.12.1.4 Requests to allow basements in Hazard (flood) Overlay Zones (Rule 11.3.3.4)

420. The *Southern District Health Board* (OS917.31) and the *Ministry of Education* (OS947.9), supported by one further submitter, requested that Rule 11.3.3.4 be amended to allow basements and floors below ground level as long as they are designed by an appropriately qualified expert/person. Both submitters stated that the rule was impractical as they both have buildings with existing basements, or sites where redevelopment may be designed to include basement space. The submitters consider that such developments will include expert structural design that will manage the hazard according to the expected natural hazard risk, a scenario that the rule does not recognise.

¹⁴ See s42A Report, Section 5.6, for list of submitters.

421. *The Oil Companies* (OS634.71) sought that Rule 11.3.3.4 be amended so that it does not apply to underground infrastructure, including tanks, because the design, construction and operation of service stations is tightly controlled through the Hazardous Substances and New Organisms Act 1996, and compliance with industry best practices requires the design to maintain integrity and function during natural hazard events.

3.12.1.5 Request to exempt non-habitable ground floor development

422. Ms *Kim Banks* (OS7.3) sought that Rule 11.3.3 be amended to enable development of non-habitable rooms at ground floor level (such as a garage), with habitable rooms above. The submitter also sought amendment to Rule 15.6.7.2 (Residential Zone maximum height limit) to provide for minimum floor levels (OS7.2). The submitter considered that minimum floor levels are an appropriate tool for managing flood and inundation risk, compared to requiring relocatable buildings.

3.12.1.6 Request to apply rule only to residential properties

423. *Nichols Property Group Limited, London Realty Limited, and Home Centres Properties Limited* (OS271.14) sought that Rule 11.3.3 be amended to apply to residential properties only, as they considered an appropriate approach would be to identify the risk areas and allow commercial land and business owners to determine the risk.

424. Similarly, *The Oil Companies* (OS634.71) sought to amend Rule 11.3.3.3 such that buildings where customers are only present for short periods of time and are readily mobile (such as service stations) were exempt from the minimum floor level requirements, as the building users are at lower risk. The submitter did not consider it practical that service stations have their floor level at prescribed levels.

3.12.1.7 Request to exempt extensions to existing houses

425. Mr *Gary Pollock* (OS358.3) sought that Rule 11.3.3 be amended so that extensions to existing houses were exempt. The submitter considered that given the uncertainties in the flood maps/minimum floor level maps, the minimum floor levels would create un-workable changes in floor levels.

3.12.1.8 Requests to provide for an exemption if there is site specific flood assessment

426. The *Construction Industry and Developers Association* (OS997.29) sought that Rule 11.3.3 be amended to include an exemption if a site-specific assessment of flood level probabilities determined that the minimum flood floor level was unnecessary. They were supported in part by *Bindon Holdings Ltd* (FS2471.6), who sought to waive the minimum floor level requirement where a site-specific assessment determines that the flood risk is insufficient to warrant it.

427. Mr *Russell Wayne Scott* (OS936.1) sought that the minimum floor level provisions be more flexible, given the variability in hazard and risk of areas within the Taieri Plain flood minimum floor level. Mr *Scott* considered that this variability should be provided for in the policies, and site specific supporting information be used to determine minimum floor level.

428. Mr *Gary Pollock* (OS358.2) requested an amendment to Rule 11.3.3.2 to remove the need to comply with the Flood Minimum Floor Level Map, as he considered the map and level to be overly conservative. Mr *Pollock* stated that although their property had seen a number of floods, none of these encroached on the area around the house. He was opposed by *ORC* (FS2381.519).

3.12.1.9 Flood Minimum Floor Level Mapped Area

429. There were 13 submissions¹⁵ received on the flood minimum floor level mapped areas (the mapped area). Of these, five were original submissions, and eight were further submissions. Generally, the submitters sought that the mapped area/provisions be removed or adjusted, and the data be checked.
430. The submitters' reasons included concerns about mapping methodologies and accuracy, and a single level being too crude. Others noted broad variation in the levels over relatively short distances, and noted that having more than one level is confusing and unreasonable. Some submitters considered that the maps and levels were overly conservative.
431. Submitters also had concerns regarding different datum and the ability for the public to understand the information. There were also submitters who considered there was a need to reduce requirements on future development.
432. Further, some submitters stated that they already had consent, there were no historic flooding issues, the site was served by a drain, there had been recent ground level modifications, and they held more suitable site-specific information.

3.12.2 s42A Report Recommendations

433. In the s42A Report the Reporting Officers considered the relationship between the Building Act 2004 and the RMA, case law, the approach taken in recent planning decisions, and s32 considerations.
434. Following this they provided four possible options for our consideration:
1. retain Rule 11.3.3 and associated maps, subject to amendments to address submitter concerns;
 2. remove Rule 11.3.3, however retain the flood and coastal hazards maps, with an advisory note that minimum floor levels that meet Building Code requirements will apply in these areas;
 3. remove Rule 11.3.3 and all associated maps;
 4. amend the rules such that building is permitted provided it is in accordance with the minimum floor levels in the building consent.
435. The Reporting Officers undertook a cost and benefit / efficiency and effectiveness assessment as follows. Duplicating functions through both building consent and resource consent requirements is an inefficient method of achieving the objective. In the situation where a developer has information that a lower minimum floor level is appropriate, this information can be considered by Building Control, and if shown to meet the Building Code, a Building Consent issued. Under Option 1, resource consent must also be obtained, and determination of whether the level is appropriate (meets the relevant policies) will duplicate the Building Consent process. Options 2 to 4 avoid this duplication, and so are the more efficient. Options 2 and 4 additionally help to ensure that the public are informed that minimum floor levels may be required on particular sites. Removing all reference to minimum floor levels from the plan will remove this benefit, although minimum floor levels are included on LIMS.
436. The Reporting Officers stated that the fourth option would include a performance standard such that the building is permitted, provided building consent has been obtained. If a developer sought a lower minimum floor level, provided they could demonstrate that it met the requirements of the Building Act and obtain building consent, no resource consent would be required.
437. They advised that all options would assist in achieving Objective 11.2.1, provided the building consent process ensures that minimum floor levels sufficient to achieve Building Code requirements were enforced.

¹⁵ See s42A Report, Section 7.3.8, for list of submitters.

438. The Reporting Officers recommended removing Policy 11.2.1.8, Rule 11.3.3 (minimum floor levels) and the flood minimum floor level mapped areas from the 2GP. Their reasons were that duplication of minimum floor level Building Act requirements in the 2GP would be inefficient and reliance on the building consent process would still be effective and assist to achieve Objective 11.2.1. They also considered that if minimum floor levels were kept in the 2GP and information changed resulting in a need to alter any minimum floor level figure, then a plan change process would be required to amend the 2GP which could result in conflicting information for a period of time, which would not be efficient or effective (s42A Report, Section 5.6, pp. 166-167).

3.12.3 Hearing Evidence

439. The following submitters either appeared at the hearing or tabled evidence in relation to Policy 11.2.1.8 or Rule 11.3.3.
440. Mr Alex Voutratzis appeared at the hearing and tabled a written statement on behalf of the *Property Council New Zealand* (OS317) supporting the removal of the minimum floor level policy.
441. Mr Murray Brass pre-circulated a written statement and appeared at the hearing for the *University of Otago* (OS308, FS2142). He supported the Reporting Officers' recommendations regarding minimum floor level provisions but stated that should the Panel retain the requirements then he considered that provision should be made for flood resilient design and construction. He noted that minimum floor levels are considered through the building consent process for any University developments anyway, and was an important consideration for interactions between buildings or for additions to existing buildings.
442. Ms Emma Peters pre-circulated a written statement on behalf of the *Construction Industry and Developers Association* (OS997) but did not appear at the hearing. She stated that the submitter supported the Reporting Officers' recommendation regarding minimum floor level provisions.
443. Ms Brigid Buckley pre-circulated a written statement for *Fonterra Limited* (OS807) but did not appear at the hearing. She supported the proposed amendments but suggested a consequential amendment should be made to Rule 11.4 (assessment of restricted discretionary activities).
444. The following submitters either appeared at the hearing or tabled evidence in relation to the Flood Minimum Floor Level Mapped Area.
445. Mr Andrew Robinson (surveyor), called by *Owhiro River Limited* (OS845), supported the Reporting Officers' recommendation to remove minimum floor level requirements in the location of the submitters' development.
446. Mr Bruce McCrorie appeared at the hearing on behalf of *Jennifer Stadnyk (on behalf of the residents of Soper Road)* (OS2454). These submitters opposed the removal of the minimum floor area as they were concerned about the effects of new development/rezoning on the Owhiro Creek, which is very sensitive and floods quite regularly. We also considered this evidence at the Urban Land Supply hearing.
447. Ms Emma Peters pre-circulated a written statement on behalf of *BA Building Limited* (OS989) and *Janefields Re-Zone Group* (OS1005) but did not appear at the hearing. She stated that the submitters supported the Reporting Officers' recommendation regarding the Flood Minimum Floor Level Mapped Area.
448. In her revised recommendations, in response to Ms Buckley's comments, Ms Valk noted that as a result of the recommendation to remove the minimum floor level provisions that consequential amendments were required, but had not yet been actioned.

3.12.4 Decision and Reasons

449. The key issue is whether the 2GP introduces an inappropriate duplication of minimum floor level controls under the Building Act (2004), and further whether some of the minimum floor levels exceed those required by the Building Code, and are therefore ultra vires.
450. In considering this question we considered the recent Auckland Unitary Plan decision and s32 efficiency considerations, which were brought to our attention by the Reporting Officers in the s42A Report.
451. Overall, we conclude that duplication of minimum floor level Building Act requirements in the 2GP would be inefficient, and that reliance on the building consent process would still be effective and would achieve Objective 11.2.1.
452. If minimum floor levels were to be retained in the 2GP and information changed resulting in a need to amend any minimum floor level figure, then a plan change process would be required to amend the 2GP. This could result in conflicting information for a period of time and would not be efficient or effective.
453. Our decision is to remove Rule 11.3.3 (minimum floor levels), Policy 11.2.1.8, Note 11.3A (now 11.3.4A) and the flood minimum floor level mapped areas from the 2GP. Amendments are shown in Appendix 1 and attributed to submission points NH917.27, NH947.53 and others. We note that consequential amendments are made as a result of removing these provisions. These are as follows:
- Remove minimum floor level from assessment of development performance standard contraventions (Rule 11.4.2.4), assessment of all restricted discretionary activities (Rule 11.5.2.9.a.x.1), assessment of all discretionary activities (Rule 11.6.2.1.f) and from Rule 11.9 Special Information Requirements
 - Remove the minimum floor level performance standard from all Management and Major Facility Zones (rules 15.6.5.3, 16.6.3.3, 17.6.3.3, 18.6.7.3, 19.6.4.3, 20.6.4.3, 22.6.9, 23.6.3.1, 24.6.8, 25.6.4.1, 26.6.6, 29.6.7, 31.6.3.2, 32.6.4.3, 33.6.7 and 34.6.5.1
 - remove minimum floor level from list of performances standards in the activity status tables (rule 22.3.4.2, 23.3.4.2, 24.3.4.1, 25.3.4.2, 26.3.4.2, 29.3.4.2, 32.3.4.2, 33.3.4.2)
 - remove minimum floor level from assessment of development performance standard contraventions (rules 22.9.4.11, 23.8.4.6, 24.8.4.10, 25.8.4.9, 26.9.4.12, 29.9.4.10, 31.9.4.11 (now 31.9.6.Y), 32.8.4.10, 33.9.4.12, 34.9.4.9)
454. As a result of removing these provisions from the 2GP, we add a new note to the 2GP (Note 11.3.5A Other requirements outside of the District Plan) to alert plan users to minimum floor levels administered under the Building Act 2002. This amendment is shown in Appendix 1 and attributed to submission point NH917.27, 947.53 and others.
455. We note that the flood and coastal hazard overlay zones are being retained in the 2GP as they are tied to other methods (also subject to amendment as discussed in this decision).
456. We also note that although no submitters specifically raised issues regarding overlaps between the RMA and Building Act in relation to minimum floor levels that it was raised in regard to the land instability management approach, so we explored it in regard to minimum floor levels as well.

3.13 Management of Network Utilities and Lifeline Utilities

457. Submissions were received on Objective 2.2.1, Policies 11.2.1.3, 11.2.1.18 and 11.2.1.19 and Rule 11.3.1.1 in relation to the management of network utilities and lifeline utilities.
458. Rule 11.3.1.1 requires buildings and structures (including public amenities), but not network utilities, to be located outside of a swale mapped area. This rule is linked to Policy 11.2.1.10.
459. It is important to note that the 2GP natural hazards provisions generally do not apply to network utilities activities. However, the establishment of new network utilities, the operation, repair and maintenance of existing network utilities and the realignment, relocation or reconfiguration of existing network utilities should take into account risks associated with natural hazards (Note 5.3B – General Advice). Lifeline utilities also have obligations under section 60 of the Civil Defence and Emergency Management Act 2002.
460. However, Rule 10.3.3 relating to minimum setbacks from water bodies (in the Natural Environment section of the Plan) does apply. This rule is linked to Policy 11.2.1.19.
461. In addition, certain development activities that may precede network utilities activities (i.e. earthworks and vegetation clearance) are subject to the natural hazards provisions.
462. We note that there were requests to have network utility activities excluded from all of the sensitivity definitions or to be specifically included in the definition of Least Sensitive Activities. These submissions are discussed in Section 4.4 of this decision.

3.13.1 Requests to amend Objective 2.2.1 to refer to critical infrastructure, lifeline utilities, and emergency services

463. The *NZ Transport Agency* (OS881.23) sought that Objective 2.2.1 be amended to take into account the risk from natural hazards to critical infrastructure as follows: “The risk to people, communities, critical infrastructure, and property from natural hazards, and from the potential effects of climate change, is minimised so that the risk is no more than low”.
464. The *ORC* (OS908.35) sought that Objective 2.2.1 policies be amended so that the importance of lifeline utilities and emergency services were recognised. The submitter was concerned that the policies do not reference lifeline utilities and emergency services, as the needs and functions of these agencies are identified as essential in the pRPS. Further, the submitter requested that a policy be added that recognises and provides for the critical role lifeline utilities and emergency services provide for in preparing for, and during, natural hazard events. The submitter was supported by three further submitters.
465. The *ORC* (OS908.35) was also supported, in part, by *Transpower New Zealand Limited* (FS2453.9) which sought that the submission be allowed, but be amended to include regionally significant infrastructure.
466. In summary, the Reporting Officers stated that as discussed in the background above, natural hazards provisions generally do not apply to network utilities or roads in recognition that, for operational reasons, these activities may need to be located within areas subject to natural hazards; and these activities are already subject to requirements under the Civil Defence and Emergency Management Act, and as a result will, regardless of 2GP provisions, consider the risk from, and on, natural hazards during location assessment and site specific design, particularly when ensuring the continuing function of the utility or road (s42A Report, Section 5.2, pp. 129-130).

467. The Reporting Officers also stated that railways are not provided for as an activity in the 2GP, however, submissions considered at the Transportation hearing have requested changes to this approach. If railways are to be provided for in the 2GP, the above statements would also apply to them and, therefore, railways should not be subject to natural hazard provisions
468. Further, they noted that emergency services are listed in the definition of Sensitive Activities in the 2GP as notified, and are therefore managed via the natural hazards provisions.
469. Overall the Reporting Officers did not recommend amending Objective 2.2.1 as requested, as all lifeline utilities are subject to the requirements of section 60 of the CDEM Act. As a result of this, and also in recognition of their operational requirements, 2GP natural hazards provisions have been designed so that they do not apply to most of these kinds of activity. Therefore, it would be misleading to amend Objective 2.2.1 to refer to either 'critical infrastructure' or 'lifeline utilities'.
470. They also pointed out that although emergency services are not subject to section 60 of the CDEM Act, Policy 4.1.12 of the pRPS extends the same requirements to emergency services. In addition, in response to a submission from the NZFS and in recognition of the operational requirements of emergency services, it was recommended that emergency services which contain sleeping quarters be treated as a sensitive activity. Taking these two factors into account, although 2GP natural hazards provisions do apply to emergency services, it is not considered necessary to refer specifically to this activity in Objective 2.2.1. The notified phrase "people, communities and property" implicitly incorporates emergency services.
471. However, for clarity as to which activities may establish in areas subject to natural hazards, and the contribution that these activities make to economic productivity, the Reporting Officers recommended that the following new policy be added below Objective 2.3.1:
- "Enable Network Utilities Activities, Public Infrastructure, new roads or additions or alterations to existing roads, Port and emergency services (excluding emergency services that contain sleeping quarters) in hazard overlay zones."*
472. The *New Zealand Transport Agency* (OS881) did not appear at the hearing; however, Mr Andrew Henderson appeared as a planning expert called by them and pre-circulated written evidence. Mr Henderson stated that although the wording sought by the *New Zealand Transport Agency* had not been adopted, the relief sought was addressed by the proposed new policy (enabling critical infrastructure in hazard overlay zones).
473. In their Addendum to the Natural Hazards s42A Report dated 19 April 2017, the Reporting Officers recommended minor amendments to this proposed new policy in order to align the policy with their recommended amendments to the definition of Sensitive Activities.
474. In their revised recommendations the Reporting Officers also recommended minor amendments to this proposed new policy in order to fix incorrect capitalisation (alignment with the drafting protocol), align the policy with their revised recommended amendments to the definition of Sensitive Activities, and clarify the intent of the policy.
475. The Reporting Officers also recommended moving the new policy to section 11, as it better aligns with the objective in this section and because strategic direction policies are generally focused on outlining methods used in the Plan.

3.13.1.1 Decision and Reasons

476. In response to *NZ Transport Agency* (OS881.23), we note that the NZTA representative accepted that the new policy recommended by the Reporting Officer would be an alternative way of meeting the Agency's concern.

477. We accept the submission by the *ORC* (OS908.35) that policies be amended so that the importance of lifeline utilities and emergency services were recognised. However, we note that the amendments recommended by the Reporting Officer do not seem to respond to what the submitter was seeking. Our understanding of the submitter's request is that they were seeking policy support for lifeline utilities and emergency services within the Plan in terms of their positive effects for achieving Objective 2.2.1. Therefore, we do not agree with the relief recommended.
478. To implement this decision, we have added a new Policy 2.2.1.11 under the strategic objective regarding resilience, which reads as follows:
- "Enable lifeline utilities and emergency services activities where these will have positive effects on the ability of communities to be resilient to natural hazards".*
479. Consequential amendments are made to the assessment matters of these activities (Rules 5.8.2.A.a.ii, 6.10.2.9.a.ii, 6.11.3.2.b, 15.10.2.X.c.i, and 33.10.2.1.b.i) to ensure this policy is considered where they have a restricted discretionary or discretionary activity status in the management zones.
480. These amendments are shown in Appendix 1 and attributed to submission point NH908.35.
481. In relation to the *ORC* submission, we considered whether emergency services should be allowed in hazard areas, and accepted that there may be operational reasons for that. We accept that in those rare situations all proper steps will be taken to manage risk. We note that in Section 3.5 of this Decision we amend the sensitivity definitions, in order that emergency services be considered a Least Sensitive Activity.
482. In regard to other activities, we note that development activities will still be managed in the Plan, and that Building Act controls will also still apply. It is noted that new roads are a discretionary activity in the 2GP.

3.13.2 Requests to amend Policy 11.2.1.3 and Rule 11.3.1.1.b

483. *Aurora Energy Limited* (OS457.36) sought that Policy 11.2.1.3 be amended in order to exclude network utility activities. They were supported by *Vodafone NZ Ltd* (FS2076.20), *Chorus New Zealand Limited* (FS2079.5), *Spark New Zealand Trading Limited* (FS2146.5), *Trustpower Limited* (FS2127.38) and *Powernet Limited* (FS2264.22).
484. Policy 11.2.1.3 reads:
- "In the Hazard 1 and 2 Overlay Zones, only allow new buildings, and additions and alterations to buildings, where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low".*
485. The submitters agreed that Regionally Significant Infrastructure should be constructed and located such that the risk of damage is minimised, but considered that it should be recognised that there may be cases where it is necessary to locate Regionally Significant Infrastructure in areas subject to hazards, and that this risk can be managed through appropriate measures, rather than avoidance. Further, they considered that infrastructure providers are in the best position to assess the risk of locating network utility structures in potential hazard areas, in terms of continuity of electricity services, and considered network utilities may be placed in hazard areas where roads, or existing activities requiring servicing, or where a particular location is necessary to meet operations or functional requirements.
486. *Vodafone NZ Ltd* (OS576.66), *Spark New Zealand Trading Limited* (OS923.66) and *Chorus New Zealand Limited* (OS925.66) sought that Rule 11.3.1.1.b be modified to provide for network utilities not obstructing or impeding water that may otherwise be caught by clause a, as network utilities such as lines or small-scale structures with no impacts on flooding (e.g. service poles for lines) may need to be located within swale mapped areas.

487. The Reporting Officers agreed with the submitters and stated that there was some misunderstanding of how the 2GP provisions work. They stated that the utilities are already exempt from Policy 11.2.1.3 as the definitions of “new buildings” and “additions and alterations to buildings” (which are in the “development activities” category in the Nested Table) do not include network utilities or any other city-wide activities which are in different categories in that table (s42A Report, Section 5.2, p. 131 and p. 134).
488. They also stated that the activity status rules that implement Policy 11.2.1.3 are located in the zone sections of the 2GP (e.g. Rules 16.3.6.4 and 16.3.6.5 in the Rural Zones section), which do not apply to network utilities activities, which have their own activity status table in section 5; and therefore Rule 11.3.1 does not apply to network utilities activities.
489. The Reporting Officers recommended accepting the submissions, in part, and adding an explanatory introduction to section 1.3 Nested Tables, to clarify that “buildings and structures activities” and “city-wide activities” are mutually exclusive.

3.13.2.1 Decision and Reasons

490. We accept the submissions, in part, and agree with the relief recommended by the Reporting Officers for the reasons provided above by the submitters and Reporting Officers.
491. We have amended the introduction to the Activities Managed by this Plan (nested tables) in Section 1.3 (now Section 1.4). These amendments are shown in Appendix 1 and attributed to submission point NH457.36 and others.

3.13.3 Requests regarding Policy 11.2.1.18

492. Policy 11.2.1.18 reads:
“In all hazard overlay zones, only allow new roads or additions or alterations to existing roads, where they are located and designed so that risk from natural hazards is avoided, or is no more than low.”
493. The *New Zealand Transport Agency* (OS881.105) and *New Zealand Fire Service Commission* (OS945.28) sought that Policy 11.2.1.18 be retained as it ensures that infrastructure expenditure would be undertaken in a cost-effective manner, and having a resilient road network is essential for responding to natural hazard emergencies, respectively.
494. *Property Council New Zealand* (OS317.6) requested that Policy 11.2.1.18 be removed as they considered it would adversely impact on the state highway network, other major arterials, connectivity within and into/out of Dunedin, and could have significant funding implications. They considered that additions and alterations needed to be defined.
495. The Reporting Officers recommended that Policy 11.2.1.18 be removed because the policy does not link to a rule or assessment matter in the 2GP and the policy is superfluous given the recommendation to enable lifeline utilities in hazard overlay zones (s42A Report, Section 5.2, pp. 131-132). Further, they stated that roading authorities (DCC and NZTA) assess the impact on, and from, natural hazards when determining the design and location of new roads. Most new roads are approved through a designation process, or require resource consent as a discretionary activity, which enables all effects to be considered.
496. The *New Zealand Transport Agency* (OS881) did not appear at the hearing; however, Mr Andrew Henderson (consultant planner) was called by the agency and pre-circulated written evidence. Mr Henderson stated that although the relief sought by the *New Zealand Transport Agency* had not been adopted, it is generally addressed

by the proposed new policy (enabling critical infrastructure in hazard overlay zones) discussed in section 4.12.1 above.

497. Mr Alex Voutratzis (Director Policy and Advocacy) appeared at the hearing on behalf of the *Property Council New Zealand* (OS317) and tabled a written statement supporting the removal of Policy 11.2.1.18.

3.13.3.1 Decision and Reasons

498. We accept the submission of the *Property Council New Zealand* (OS317).
499. In section 3.13.1 we decided to enable lifeline utilities in hazard overlay zones. As Policy 11.2.1.18 is contrary to that decision, we have deleted it as a consequential change. We note that this policy did not support any rules or assessment guidance and therefore no other consequential changes are necessary.
500. This amendment is shown in Appendix 1 and attributed to submission point NH317.6.

3.13.4 Request to amend Policy 11.2.1.19

501. Policy 11.2.1.19 reads:
"Require buildings and structures to be set back from water bodies an adequate distance to ensure that risk, including from erosion and flooding, is avoided, or is no more than low".
502. *Aurora Energy Limited* (OS457.74) sought to amend Policy 11.2.1.19 to exclude network utility activities. The submitter agreed that Regionally Significant Infrastructure should be constructed and located such that risks are minimised, however, they considered that it should be recognised that there may be cases where it is necessary to locate Regionally Significant Infrastructure in areas subject to hazards, and that this risk can be managed through appropriate measures, rather than avoidance. Further, they considered that infrastructure providers are in the best position to assess the risks of locating network utility structures (involving non-habitable buildings) in potential hazard areas in terms of continuity of electricity services.
503. *Aurora Energy Limited* were supported by *Trustpower Limited* (FS2127.39) as they considered the relief proposed by the submitter was appropriate, as in some situations, it is necessary for technical and operational reasons to locate network utility and energy generation infrastructure near water bodies.
504. The *Federated Farmers of New Zealand* (OS919.47) requested that Policy 11.2.1.19 be amended to apply to inhabited buildings only, not all buildings and structures. Although the submitter supported the intent of the policy, they considered the focus should be on addressing inhabitable buildings.
505. With regards to Aurora's request, the Reporting Officers noted that Policy 11.2.1.19 is implemented via Rule 10.3.3 in the Natural Environment section of the 2GP. They considered that while it is appropriate to exclude network utilities activities from rules that apply in hazard overlay zones, in order to recognise that utilities may need to locate within these areas for operational reasons, they did not consider it overly onerous to require utilities to comply with setbacks from water bodies (s42A Report, Section 5.2, p. 132-133). The reasons they provided were that the area of land covered by the setbacks in Rule 10.3.3 is relatively limited, and exemptions are either in place in the notified rule (for example for hydro generators and for poles and masts supporting lines that cross the water body), or have been recommended in response to submissions, to recognise that some types of utilities (and associated earthworks) need to locate near water bodies and/or are unlikely to result in adverse effects.
506. Further, the Reporting Officers noted that these setbacks are in place both to minimise risk from erosion and flooding, as set out in Policy 11.2.1.19, and to 'enable the biodiversity and natural character values of coastal and riparian margins to be

maintained or enhanced', as set out in Policy 10.2.2.2. Overall, they considered that the benefits of requiring the setbacks outweigh the costs.

507. However, the Reporting Officers noted that there was an error in the wording of Policy 11.2.1.19; the policy refers only to "buildings and structures", whereas the rule that implements it (Rule 10.3.3) applies to "new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utilities activities" and recommended that the Policy be corrected to reflect the effect of the rule. The Reporting Officers noted that submissions from *Save the Otago Peninsula (STOP) Inc Soc* (OS900.158) and *Forest and Bird NZ* (OS958.75) sought Rule 10.3.3 be retained as notified. Therefore, they recommended that Policy 11.2.1.9 is amended to be consistent with the wording in Rule 10.3.3.
508. With regard to the *Federated Farmers* submission, the Reporting Officers noted that the key priority in managing the risks from natural hazards is the protection of people, after this the focus is on risk to property, such as loss of, or damage to, buildings. In addition to rules seeking to protect people and property, the 2GP also manages activities so they don't worsen the effects of the hazards, such as buildings affecting flood flow paths. Policy 11.2.1.19 aims to achieve all these aspects by requiring setbacks from water bodies. Allowance for small structures or non-permanent ones has been made in the definitions, and specific activities and development have been exempt in the rules. The Reporting Officers considered it appropriate that buildings and larger or permanent structures are required to be set back, whether they are inhabited or not as all buildings are subject to loss or damage (which has an economic impact); larger buildings or structures may act to worsen the effects of hazards; and non-habitable buildings could be converted to become habitable buildings. They therefore recommended rejecting the submission (s42A Report, Section 5.9, p. 185).

3.13.4.1 Decision and Reasons

509. We reject the submissions of *Aurora Energy Limited* (OS457.74) and *Trustpower Limited* (FS2127.39) to amend Policy 11.2.1.19 to exclude network utility activities for the reasons provided by the Reporting Officers detailed above.
510. However, we amend Policy 11.2.1.19 to correct the anomaly between the Policy and Rule 10.3.3 as detailed by the Reporting Officers above, in order to ensure correct Plan connectivity and clarity. We note that this change has no substantive effect on the operation of the rule; it merely corrects an error in the policy wording. This amendment is shown in Appendix 1 and attributed to NH cl.16.
511. We accept the recommendation of the Reporting Officers and reject the submission by the *Federated Farmers of New Zealand* (OS919.47) to amend Policy 11.2.1.19 so that it applies to inhabited buildings only, not all buildings and structures.

3.14 Management of Earthworks

512. Earthworks that exceed the earthworks – small scale thresholds are treated as earthworks – large scale, which are a restricted discretionary activity. Policy 11.2.1.12 guides the assessment of resource consents for these activities. It states:
- "In all hazard overlay zones, or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard (including but not limited to a geologically sensitive mapped area (GSA)), only allow earthworks - large scale or subdivision activities where the risk from natural hazards, including on any future land use or development, will be avoided, or no more than low."*
513. *The Oil Companies* (OS634.69) sought that Policy 11.2.1.12 be amended to only apply to land where the DCC had done the work to identify a specific natural hazard risk. They were supported by *Federated Farmers of New Zealand* (FS2449.267) and

- Liquigas Limited* (FS2327.22) who considered that the policy would result in uncertainty for plan users and that it was more appropriate to manage to acceptable levels. Further, they considered that in some instances risks would not be able to be avoided or mitigated, and the 2GP should allow for risks in these situations to be managed.
514. *Property Council New Zealand* (OS317.4) opposed the policy and sought that it be removed. The submitter questioned how the risk from a natural hazard could be avoided when the DCC cannot use scientific analysis to determine what the risk is. Further, the submitter suggested that the DCC should release more information rather than relying on indicative estimates, as they considered this was putting an unnecessary handbrake on future development, in turn increasing residential costs, thereby reducing housing affordability.
515. *Alex Charles and Jackie St John* (OS876.5) submitted on Policy 11.2.1.16 and sought that it be amended as it would require earthworks to be avoided, or to not have any adverse effects on land instability which does not provide for the mitigation of adverse effects. They considered that if adverse effects are capable of mitigation then this should be acceptable.
516. *BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd (the oil companies)* (OS634.70) have a service station within a hazard (land instability) overlay zone and consider that Policy 11.2.1.16 would have implications for operation and redevelopment. They sought to amend the policy to remove the need not to have adverse effects on land instability, and to replace the term 'transfer' with 'displace'.
517. *Federated Farmers of New Zealand* (OS919.45 and OS919.46) submitted on policies 11.2.1.15 and 11.2.1.16 noting their support for the intent, as earthworks can exacerbate the impacts of floods. The submitter agreed that there should be some mechanism which aims to control the impacts of this exacerbation, however considered that the policy should be amended so that only 'significant' effects, rather than all effects, are managed. *Otago Business Park Limited* (FS2178.5) supported this submission point as the proposed amendments will ensure an acceptable level of earthworks can occur in a swale mapped area.
518. *Robert George and Sharron Margaret Morris* (OS355.9), *Timothy George Morris* (OS951.53) and *Timothy Morris* (on behalf of *RG and SM Morris Family Trust*) (OS1054.53) sought that Rule 16.6.1.1 be amended to increase the maximum scale thresholds, and to remove additional controls for dune system mapped areas. The submitter considered that the thresholds are too small in all locations, and that the extent of dune system mapped areas identified in the 2GP, and the restrictions applying within them, are unnecessary and unreasonable.
519. Submission points by *Robert and Sharron Morris* (OS355.9) and *Timothy George Morris* (OS951.53) are opposed by the *Otago Regional Council* (FS2381.6 and FS2381.10), who stated that dune systems are an important feature in reducing natural risk from coastal natural hazards as well as containing biodiversity values. The *ORC* was of the view that earthworks activity could adversely affect dune systems' function and biodiversity values, and that earthworks should, therefore, be controlled in dune system mapped areas.
520. The Reporting Officers recommended that the submissions be rejected. They considered the use of the policy wording "will be avoided, or no more than low" provides clear direction and is an absolute and objective bottom line based on a concept of risk that considers likelihood and consequence. They also explained the wording "good cause to suspect" reflects the fact that this policy relates to guiding the consideration of restricted discretionary consent and the consideration of natural hazards as part of that consent process. Importantly, it is not a policy that sets up a rule to trigger the consent process. As such, it is appropriate to consider the latest available information on hazards not just what is currently mapped in the 2GP. They went on to explain that further information regarding natural hazards, including at a

- site-specific level, will become available in the future; and although the DCC intends to update the Plan regularly with new natural hazard information, there will always be circumstances where information is available on a natural hazard to appropriately consider it, even though it is not mapped in the 2GP (s42A Report, Section 5.8, pp. 184-185).
521. In regard to the submission by *Alex Charles and Jackie St John*, the Reporting Officer noted that in his opinion, the wording of the policy as notified does provide for the mitigation of adverse effects. Decision-makers will take into account the likely effectiveness of any proposed mitigation measures when determining whether the proposed earthworks will have adverse effects on land instability, or create, exacerbate or transfer risk from natural hazards. He did not consider the wording requested by the submitter to be appropriate, as if this wording were used, the policy would not require the mitigation to be carried out by the party proposing to undertake the earthworks. He therefore recommended that the submission point by *Alex Charles and Jackie St John* (OS876.5) be rejected and Policy 11.2.1.16 be retained without amendment (Earthworks s42A Report, Section 5.3.3, p. 57).
522. The Reporting Officer noted that earthworks can create adverse effects in hazard (land instability) overlay zones, including beyond the boundary of the site where they are being undertaken, thus having the potential to affect third parties. He considered that earthworks should not be allowed to occur if they will have adverse effects on land instability that could affect the site and other sites. Where earthworks are required to be undertaken in hazard (land instability) overlay zones, mitigation measures can be used to ensure that adverse effects are not created, nor created, exacerbated or transferred.
523. The *Oil Companies* did not elaborate on why they considered the use of the term 'displace' was more appropriate than 'transfer'. The Reporting Officer considered that there is little difference between the terms, and that 'transfer' is more commonly understood and should, therefore, remain. He recommended that the submission point by the *Oil Companies* (OS634.70) be rejected and Policy 11.2.1.16 be retained without amendment (Earthworks s42A Report, Section 5.3.3, p. 56).
524. In regard to the *Federated Farmers* submissions on policies 11.2.1.15 and 11.2.1.16, the Reporting Officer noted that any obstruction or impedance of flood water within a swale mapped area could result in the creation, exacerbation or transference of flood water and risk of flooding, either directly (for example to a neighbouring property), or indirectly through changes to how flood water traverses the Lower Taieri Flood Protection Scheme (for example by diverting flood water into a different swale or scheduled drain causing capacity issues further downstream). Similarly, earthworks – large scale in hazard (flood) overlay zones have the potential to create, exacerbate or transfer flood water and risk.
525. He considered that adding the word 'significantly' into the policy is unnecessary, due to the threshold definitions and rules, and would create uncertainty, particularly as significance is open to interpretation by different individuals. The Reporting Officer recommended that the submissions be rejected, and policies 11.2.1.15 and 11.2.1.16 be retained without amendment (Earthworks s42A Report, Section 5.3.2, p. 54-57).
526. Mr Paterson addressed submission points OS355.9, OS951.53 and OS1054.53 in his evidence. He noted that earthworks in dune systems have resulted in significant adverse effects for land adjacent to developments in the past. In fact, altering the maximum cut batter gradient to be gentler than the 1:1 required in the Plan was considered. However, the permitted maximum changes in ground level, coupled with required setbacks negated the requirement for more onerous conditions.
527. In relation to the submitters' request that all maximum scale thresholds in rural zones be made less restrictive, Mr Paterson's assessment was that the recommended excavation volumes, changes in ground level and maximum batter angles are appropriate as a permitted activity. It is possible that uncontrolled activity beyond

these levels could foreseeably result in detrimental or hazardous outcomes for the developer and adjacent landowners.

528. There may be instances where earthworks that exceed small scale thresholds may be undertaken without creating hazards, but Mr Paterson recommended that these situations are addressed on a case-by case basis as a specifically consented activity. In which case, approval of the activity may be subject to provision and approval of specific professional advice or engineering judgement.
529. Based on Mr Paterson's advice, the Reporting Officer recommended that the submissions of *Robert George & and Sharron Margaret Morris* (OS355.9), *Timothy George Morris* (OS951.53) and *Timothy Morris* (on behalf of *RG and SM Morris Family Trust* (OS1054.53) be rejected, that the further submissions of the ORC (FS2381.6 and FS2381.10) be accepted, and that Rule 16.6.1.1.a be retained without amendment (Earthworks s42A Report, Section 5.11.2, p. 97).
530. Mr Alex Voutratzis appeared at the hearing on behalf of the *Property Council New Zealand* (OS317) and tabled a written statement. He stated that the *Property Council New Zealand* tentatively supported the intention behind the s42A Report that stated this policy "is just setting up considerations of natural hazards as part of that consent process rather than being the trigger for the consent process".
531. However, the Property Council's concern is that this may be the intention of the policy, but whether it is implemented this way, rather than as a trigger by Council staff is a concern.

3.14.1 Decision and Reasons

532. We accept the submission of *the Oil Companies* and acknowledge the concerns raised by *Property Council New Zealand* (OS317.4). As Earthworks - Large Scale are generally restricted discretionary activities, a 'rule' needs to specify where discretion is expanded to include risk from natural hazards; therefore, it must be tied to an overlay. We remove the term 'or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard' from Policy 11.2.1.12 and specify those overlay zones and mapped areas to which earthworks performance standards apply. Consequentially, we remove this wording from the Special Information Requirements (Rule 11.9). These amendments are shown in Appendix 1 and attributed to NH634.69.
533. In reviewing Policy 11.2.1.12 we also considered the other relevant natural hazard earthworks policies (11.2.1.14, 11.2.1.15, 11.2.1.16) and consider that there is duplication across these specific policies with the general one (11.2.1.12). We do not think that having multiple policies adds value, and consider that the policy test across all the natural hazard policies should be consistent (risk is no more than low). Further, the outcomes in the other relevant natural hazard earthworks policies are already covered in the assessment guidance.
534. The amendments required for this decision, including consequential amendments, are (see appendix 1 attributed to NH cl 16):
- Amend Policy 11.2.1.12 by adding content that has come from policies 11.2.1.14, 11.2.1.15 and 11.2.1.16
 - remove policies 11.2.1.14, 11.2.1.15 and 11.2.1.16
 - consolidate the relevant assessment guidance in the new Rule 11.5.2.X which references to Policy 11.2.1.12
 - remove assessment rules which reference the deleted policies
535. We reject the submissions by *Alex Charles and Jackie St John* (OS876.5) for the reasons outlined by the Reporting Officer. We note the decision to delete Policy 11.2.1.16 and the subsequent changes made to Policy 11.2.1.12 and consider that the wording of the policy as amended, does provide for the mitigation of adverse effects.

536. We reject the submission by the *Oil Companies* (OS634.70) to amend Policy 11.2.1.16, for the reasons outlined by the Reporting Officer.
537. We also reject the submissions by the *Federated Farmers of New Zealand* (OS919.45 and OS919.46) and *Otago Business Park Limited* (FS2178.5) to amend policies 11.2.1.15, for the reasons outlined by the Reporting Officer.
538. We reject the submissions of *Robert George & and Sharron Margaret Morris* (OS355.9), *Timothy George Morris* (OS951.53) and *Timothy Morris* (on behalf of *RG and SM Morris Family Trust*) (OS1054.53), and accept the further submissions of the ORC (FS2381.6 and FS2381.10) for the reasons outlined by the Reporting Officer. Our decision is to retain Rule 16.6.1.1.a (now Rule 8A.5.1) without amendment.
539. We note our decision in Section 4.7 below to remove the subdivision matters from policies 11.2.1.12 and 11.2.1.13 and consolidate them in a newly worded separate subdivision policy (Policy 11.2.1.13). This results in Policy 11.2.1.12 being earthworks specific.
540. Also, while considering these submissions it has come to our attention that Policy 11.2.1.12 refers to a "Geologically Sensitive Mapped Area", but that no such area exists in the 2GP maps themselves. Rather, 'geologically sensitive areas' are identified in the data maps that accompany the Plan for information purposes only. As such, we remove all references to the 'Geologically Sensitive Mapped Area' from the Plan provisions. These amendments are shown in Appendix 1 and attributed to NH cl.16.

3.15 Requests for amendments to Rule 11.3.2 in relation to forestry activities

541. Four submitters¹⁶ requested amendments in relation to the planting and/or harvesting of forestry as follows: add a new note to plan user to clarify that forestry activities are exempt from Rule 11.3.2.1; exclude the harvesting of forestry from the rule; exempt woodlots if replanting is undertaken within 18 months of clearance; and remove the rule.
542. Submitters considered that as forestry is permitted in Hazard 1 and 2 Overlay Zones, harvesting must be possible as of right, and that a 50m² limit would restrict the amount of forestry activity that could be undertaken, including due to the cost of machinery establishment, limitations of topography, stand health and stability, and greater risk of windfall (which is counter-productive to the aims of land stability). They also considered that re-establishment in the same or similar species should be mandatory within 18 months after clearance.
543. *Aurora Energy Limited* (FS2375.23) opposed the request to remove the rule in so far as it sought to remove the current exemption provided for maintaining existing utility activities, which would affect Aurora's ability to maintain the operational efficiency of its network and to remove potential fire risks.
544. The Reporting Officers agreed that there was a lack of clarity around interpretation and noted that it was not the intention of Rule 11.3.2 to include vegetation clearance as part of forestry activity (s42A Report, Section 5.4, p. 151). As such, they recommended that the request to add a new note to plan users to clarify that forestry activities are not considered vegetation clearance in terms of Rule 11.3.2.1 be accepted and that this also be made clear in the definition of vegetation clearance.
545. Jane (Helen) Skinner and Tony Devereux appeared at the hearing on behalf of *Helen Skinner and Joseph O'Neill* (OS312) and tabled a written statement. They stated that they were in support of Note 11.3A recommended by the Reporting Officers.

¹⁶ See s42A Report, Section 5.4, for list of submitters.

3.15.1.1 Decision and reasons

546. In order to provide clarity and certainty we agree with the relief recommended by the Reporting Officers to amend the definition of vegetation clearance to make it clear that vegetation clearance does not include harvesting that is part of forestry. This was discussed in the Natural Environment Decision Report (Section 3.4.3), where we made the decision to amend the definition of vegetation clearance. This is shown in Appendix 1, under clause 16.
547. We do not however, consider that it is also necessary to add a note to plan user under Rule 11.3.2 as the amendment to the definition is sufficient and a more appropriate location in the Plan to provide clarity for interpretation.

3.16 Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas

548. The definition of vegetation clearance in the 2GP as notified is:
The removal, over-planting, crushing, spraying, burning, or any other activity that destroys or results in extensive failure of an area of vegetation, which if destroyed could lead to:
- land instability
 - riverbank, coastal or soil erosion;
 - loss of habitat for indigenous species (including areas of vegetation that act as ecological corridors connecting habitats);
 - changes to the quality of the ecological habitat provided by a water body; or
 - increased flood risk.
549. Rule 11.3.2 (Maximum Area of Vegetation Clearance in the Hazard Overlay Zones) as notified in the 2GP applies to land instability overlay zones and the dune system mapped area, as follows:
1. *In the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zones, vegetation clearance must not exceed a maximum area of 50m² per site, per calendar year, except vegetation clearance as part of any of the following is exempt from this standard:*
 - a. *the erection, maintenance or alteration of fences; or*
 - b. *the maintenance (but not extension) of existing network utilities, tracks, drains, structures, or roads; or*
 - c. *the construction of tracks up to 2m in width.*
 2. *Vegetation clearance must not occur in a **dune system mapped area**, except vegetation clearance as part of any of the following, is exempt from this standard:*
 - a. *planting of indigenous species that is part of conservation activity;*
 - b. *the maintenance or alteration of fences (including gates);*
 - c. *the maintenance (but not extension) of existing utilities, tracks, drains, structures, or roads; or*
 - d. *vegetation clearance that is provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987."*
550. This Rule is guided by Policy 11.2.1.17, which states:
"Limit vegetation clearance in hazard (land instability) overlay zones, the dune system mapped area, and along the banks of water bodies, to a scale and type that ensures any resultant risk from erosion or land instability is avoided, or is no more than low".

551. The s42A explains that the Dune System Mapped Area is primarily on DCC or DoC owned public land. As a result, projects involving vegetation clearance will be subject to a management plan or strategy (or similar) and would therefore be exempt in accordance with 2(d) of the rule. Submissions on the extent of the Dune System Mapped Area on private land are discussed in Section 4.10 of this Decision.
552. We note our decision on the extent of the land instability overlay zones (the extent where Rule 11.3.2.1 applies) is discussed in Section 3.16 of this Decision.

3.16.1 Requests for amendments to Rule 11.3.2 in relation to farming activities, including in relation to pest management activities

553. Four submitters and one further submitter¹⁷ sought amendments to the rule, in order that routine farming activities, including the clearance of pest plants/noxious weeds be exempt. The reasons provided included increased spread of pest plants, the rule is at odds with other requirements to remove noxious weeds (e.g. *ORC*), and exemptions make no provision for farming activities. Submitters also considered that the clearance of vegetation, including native vegetation on previously cleared land, needed to be recognised and provided for to maintain productive capacity of farmed land.
554. Four submitters and one further submitter¹⁸ sought amendments to the limits on the amount of vegetation clearance allowed, requesting that the rule be amended to enable vegetation to be cleared on a whole paddock basis. The submitters' stated that vegetation clearance is usually undertaken on a paddock basis (more workable), the rule generalised vegetation (can worsen flood/erosion effects, some are pests), and routine farming activities should be provided for.
555. Another submitter also sought amendments to the limits, requesting that the 50m2 maximum be per 2 hectares of area instead of 50m² per site. They considered that there was no logic to 50m² applying to small sites as well as a large title, and noted that property owners have obligations to remove noxious weeds.
556. The Reporting Officers considered that Rule 11.3.2 should be retained as it provides an appropriate balance between protection of areas prone to instability/natural hazards and allowing for farming activities to continue to occur, but recommended that an additional exemption be provided for the removal of non-indigenous or pest plant species, provided that the area is re-planted within 3 months with plants that contribute to stabilisation (s42A Report, Section 5.4, pp. 149-150).
557. They stated that Rule 11.3.2 only applies within the area of a property that is within a Dune System Mapped Area or subject to a land instability overlay zone, and noted that they had recommended that the extent of the land instability overlay zones and Dune System Mapped Area be reduced which decreases the areas affected by the rule. It was also noted that farming activities are Least Sensitive Activities and are generally provided for in hazard overlay zones subject to performance standard.
558. Further, they stated that some routine farming activities are exempt from Rule 11.3.2; and although the removal of pest plants is a routine farming activity, pest plant species can have positive effects on stabilisation. Therefore, their removal could increase the effects of, and on, natural hazards.
559. The Reporting Officers also considered that the removal of pest species and replanting may not result in destabilisation, provided the area is replanted quickly with a species that aids stabilisation.
560. In regard to the area limit in the rule, the Reporting Officers considered that vegetation clearance on a whole paddock basis could be an extremely large area, and noted that land previously cleared can be cleared again under the proposed rule,

¹⁷ See s42A Report, Section 5.4, for list of submitters.

¹⁸ See s42A Report, Section 5.4, for list of submitters.

- subject to the maximum area requirements (which are per calendar year in recognition that vegetation grows).
561. Further, they considered that on a large site a 50m² per 2ha approach may result in enabling a large area of vegetation to be cleared; and that they were of the opinion that the current exemptions and recommendation provide for sufficient vegetation clearance in a sensitive area without resource consent.
562. Ms Jane (Helen) Skinner and Mr Tony Devereux appeared at the hearing on behalf of *Helen Skinner and Joseph O'Neill* (OS312) and tabled a written statement. They stated that they could see what the planners were trying to achieve in Rule 11.3.2.d regarding pest plant species, but that the result was unclear.
563. They said they struggled to understand how standard farming practices to bring land back from pest infestation (clear the land, plant brassicas, graze, put in grass and rotate grazing) was provided for. They questioned whether this practice would meet the exemption of 'plants that contribute to stabilisation' and stated that even if it did then the practice would not meet the three-month period provided, as the process can take a few years.
564. They noted that they had received previous correspondence from Mr Michael Bathgate regarding interpretation of the notified rule, who did not consider that pest species clearance would be caught by the rule if it did not cause or lead to land instability, due to the definition of vegetation clearance.
565. In regard to the 50m² per site restriction, *Ms Skinner and Mr O'Neill* considered that this approach was not logical as the size of a title is historically dependant and is far too small of an area. They considered that the restriction should be 50m² per 2ha. Overall, they did not consider that the vegetation clearance provisions should apply to Hazard 2 (land instability) Overlay Zones.
566. We requested the Reporting Officers provide us with a re-evaluation of allowing multiple areas of vegetation clearance in hazard overlay zones on large sites in the Rural and Rural Residential Zones based on a review of how other plans manage vegetation clearance in hazard areas. This information was provided to us via the memo "Earthworks and Vegetation Clearance in Hazard Zones (Distance Calculation), 14 November 2017" at the Final Hearing on 6-8 December 2017. The reporting officer recommended that Rule 11.3.2.1 be amended to read:
- "1. *In the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zones, vegetation clearance must not exceed a maximum area of 50m² per site, per calendar year, or for a:*
- *Rural zone, on any part of a site or property that is no closer than 400m from any other vegetation clearance per calendar year.*
 - *Rural residential zone, on any part of a site or property that is no closer than 150m from any other vegetation clearance per calendar year. {NH 312.5}*
- except vegetation clearance as part of any of the following is exempt from this standard:..."*

3.16.1.1 Decision and reasons

567. In regard to exemptions for pest plant species, the Reporting Officers recommended the addition of an exemption provided that replanting is undertaken 'within 3 months with plants that contribute to stabilisation'. We consider that the purpose of this terminology was to ensure that land/dune systems are not left denuded for long periods of time, hence the requirement that replanting in some form should take place. Research has shown that the most appropriate planting to assist stabilisation is dependent on the site-specific situation e.g. dune versus land instability, the nature of the instability (shallow or deep seated), the area of instability to be planted (toe or head of slide).

568. We note that some landowners may wish to clear pest plants for the purpose of pasture conversion. As a general rule, any form of vegetation cover is considered to be better than none in assisting to reduce erosion.
569. However, even though the use of the terminology 'plants that contribute to stabilisation' guides land owners to giving thought to the intent behind the rule, without a specific list guiding what types of plants these might be we consider this terminology to be ultra vires and do not include it in the rule. All plants will contribute to stabilisation in some manner e.g. by providing ground cover, root systems, water absorption etc. Some plants may be more effective than others depending on the site-specific situation.
570. The three-month replanting time frame, although somewhat arbitrary, sends a message that replanting in some form needs to be undertaken in a timely manner. Concern was raised about the three-month timeframe at the hearing and how this relates to growing seasons. We note that growing seasons differ based on the type of vegetation e.g. grass versus trees. Generally, for vegetation other than grass, we understand that the colder winter months are the best time for establishment of new plants. However, enabling vegetation clearance to occur in October for example, and not requiring replanting until the following winter, would potentially allow for a longer time period of denuded land/dune systems in which stabilisation could be affected. We therefore retain the three-month time period as this provides some flexibility dependant on the vegetation being replanted e.g. should the landowner be replanting an area with trees, then vegetation clearance can be taken up to three months prior to the appropriate growing season.
571. Amendments are made regarding the removal of pest plant species or grasses or plant species with a root depth of less than 30cm. These are shown in Appendix 1 and are attributed to submission point references NH951.60 and NH 312.9 respectively.
572. In regard to the Reporting Officers' re-evaluation of allowing multiple areas of vegetation clearance in hazard overlay zones on large sites in the Rural and Rural Residential Zones, we accept their recommendations for the reasons outlined in the memo provided. This amendment to the rule assists to address the submitters concerns, particularly those of Ms Skinner and Mr O'Neill. Amendments are shown in Appendix 1 and attributed to NH312.5.
573. While we largely agree with the relief recommended by the Reporting Officers, we consider that additional amendments are required to Rule 11.3.2 in order to better address submitter concerns, ensure consistency within the Plan and to correct minor anomalies, as detailed below.
574. We amend Rule 11.3.2 to better align it with the Natural Environment section Vegetation Clearance Rule 10.3.2, by amending how the maximum clearance area is measured, and specifying which pest plant species are exempt. These amendments are shown in Appendix 1 and attributed to submission point NH908.3.
575. In the Natural Hazards s42A Report, the Reporting Officers recommended including exemptions for the removal of non-indigenous vegetation. However, the way in which this exemption was written meant that Rule 11.3.2 would only be left applying to indigenous vegetation, effectively duplicating Rule 10.3.2. We therefore amend Rule 11.3.2 in order that exemptions 2.e. and 4.e. only relate to the removal of pest plant species listed in Appendix 10B of the 2GP. We note that the exemptions do not restrict the planting of non-indigenous vegetation (see appendix 1 attributed to submission reference NH 908.3).
576. Regarding the clearance of vegetation for routine farming activities, we accept the submissions that requested this and amend Rule 11.3.2 so that the standard does not apply to vegetation clearance necessary for 'irrigation infrastructure' and 'fire breaks' (see Appendix 1 attributed to submission reference NH 355.10).
577. Further, we considered submitters concerns regarding interpretation of the definition of vegetation clearance and Rule 11.3.2 and whether this approach was clear. We

note that similar matters were raised in the Natural Environment Hearing regarding the definition and other vegetation clearance rules in the Plan.

578. As the definition of vegetation clearance is now broader as a result of this amendment, we consider consequential changes are necessary to the pest plant species exemption in Rule 11.3.2, to enable clearance that would not have triggered those adverse effects. We therefore widen the exemption to allow for the removal of grasses or plant species with a root depth of less than 30cm, as well as pest plant species listed in Appendix 10B, provided the area is replanted within 3 months.
579. We note that amendments will also be required to other vegetation clearance performance standards as a result of this decision on the definition of vegetation clearance. These amendments are addressed in the Natural Environment Decision.

3.17 Flood and Alluvial Fan Hazard Mapping

3.17.1 General Comments and Reasons for Decisions

580. At the Natural Hazards Hearing a number of submitters raised concerns about the extent of the flood hazard areas, stating that they had not experienced a flood event and/or they could not see how the whole area identified as susceptible to inundation could ever be flooded.
581. Dr Jean-Luc Payan (ORC Natural Hazards Manager) explained that the approach taken to the mapping of flood hazard areas was a geomorphological approach in most situations, which involved the use of LiDAR information to identify areas of floodplain where flooding could occur, either from direct inundation from an associated stream/river and/or from overland flow and internal runoff and ponding.
582. Dr Payan reiterated that the flood hazard areas identified did not mean that the whole area would always 'fill-up' in a flood event, but that flooding could occur anywhere in the identified areas, depending on the nature and characteristics of the area and flood event.
583. DCC engaged GHD to review the flood hazard advice provided by the ORC, resulting in the report *Dunedin City Council, Review of ORC Flood Hazard Advice, Peer Review Report, GHD (March 2015)*. The executive summary of this report states that the ORC reports and mapping are fit for use as a basis of DCC's District Plan Review.
584. In 2015 OPUS was engaged by DCC to assist in reviewing submissions received on the Natural Hazards 2GP topic and to review the evidence base for the proposed planning approach. This culminated in a two-day workshop held in December 2015 involving DCC, ORC and OPUS staff. In relation to flood hazard mapping OPUS were of the opinion that the flood evidence was adequate and defensible; there is a strong evidential basis for categorising flood hazard areas; and a geomorphic mapping approach ground-truthed against historic flood extents is an appropriate hazard identification approach.
585. Overall, we accept that the technical information used to develop the overlay has been prepared by suitably qualified professionals, with a number of technical reports produced since 2012 to inform the 2GP. The information used is the best natural hazard information available, having been through a number of review processes, and incorporating information provided by submitters. We are therefore satisfied that the information used to develop the overlays has gone through a robust and fit for purpose process.
586. We acknowledge some submitters' concern that the information is not as precise as they would like, but that is the nature of the flood hazard.
587. In regard to alluvial fans and flooding, in the s42A Report submissions were broken into three topics – alluvial fans, flooding, or alluvial fans/flooding combination when more than one overlay zone with different flood hazard sources affected the same property.

588. In relation to the alluvial fans/flooding combination submissions, the submitters that appeared at the hearing in relation to this topic focused on alluvial fan hazards only, and therefore all of the submissions from this s42A Report section are summarised under the alluvial fans topic below. However, the Hazard 1, 2 and 3 (flood) Overlay Zones – Taieri Plain decision is also relevant to the submissions summarised in the alluvial fans section below, and we have considered the combination submissions for both the alluvial fan and flooding decisions.

3.17.2 Alluvial Fans

3.17.2.1 Submissions

3.17.2.1.1 *Mapping of natural hazards in areas included due to being on alluvial fans*

589. There were 73 submissions¹⁹ (45 original submissions and 28 further submissions) received on Hazard 2 and 3 (flood) Overlay Zones for the Strath Taieri and Taieri Plains where the source of potential flooding is from an alluvial fan only.
590. The s42A Report explained that alluvial fans are an accumulation of river or stream (alluvial) sediments that form a sloping landform, shaped like an open fan or segment of a cone. They form where rivers or streams exit a valley, allowing sediment-laden flows to spread over a broad area²⁰.
591. Alluvial fans were included in the Hazard 2 and 3 (flood) Overlay Zones as they are largely floodwater or composite (flood and debris) dominated fans, rather than debris dominated.
592. The submitters requested a number of specific decisions. In summary 31 submitters requested removal of an overlay, seven requested that they be adjusted, and three submitters requested that the overlays be reviewed. Two submitters requested a combination of outcomes. There was one submitter who requested that an overlay be retained.
593. The submitters gave a variety of reasons for their requests. Some suggested that the overlay boundaries are incorrect. Others felt that the rules were unnecessary and unreasonable, raising specific concerns about effects on property values, and the cost of insurance. Some also argued the risk is overstated. Some submitters considered that the Section 32 and technical reports were deficient. Other claims were that the stormwater infrastructure limitations are the actual issue, and that flood mitigation works have not been taken into account. One submitter stated that where a flood hazard overlay affects a common access lot that the flood hazard should not be attributed to the associated property.
594. The *ORC* (OS908.57) requested that the Hazard 2 and 3 (flood) Overlay Zones that are active alluvial fans be mapped as a Hazard 3 (Alluvial fan) Overlay Zone and that amendments to provisions be made so that active alluvial fan areas are treated consistently with appropriate performance standards applied.
595. The reasons provided by the *ORC* were that the consequences of flooding across alluvial fans may be greater than with flooding on flat land because of the likely combination of water and debris, although the likelihood of those events occurring is lower.
596. In their further submissions (in opposition to submissions seeking the overlays be removed or lessened), the *ORC* stated that alluvial fans have been included in the flood hazard overlays, which has created confusion as hazard characteristics of alluvial fans and flood hazard areas are different. Further, they considered that based on current knowledge a 'hazard 3' categorisation was appropriate for these alluvial fans, based on the risk rating criteria outlined in the 2GP. They also noted that they

¹⁹ See s42A, Report Section 7.2.2, for list of submitters.

²⁰

<http://www.orc.govt.nz/Documents/Content/Information%20Services/Natural%20Hazards/Alluvial%20fans%20brochure%20WEB.pdf>

are undertaking additional work to refine the margins of some alluvial fans where better quality topographic data was available.

3.17.2.1.2 Hazard 1, 2 and 3 (flood) Overlay Zones and Alluvial Fans – Taieri Plain

597. Additional to the above submissions, 21 submissions²¹ (11 original submissions and 10 further submissions) were received regarding properties/areas on the Taieri Plain affected by both flood and alluvial fan sourced hazard (Hazard 1, 2 and 3 (flood) Overlay Zone in the proposed 2GP).
598. In summary six submitters sought that an overlay be removed, one submitter requested that an overlay be reviewed, and two submitters sought that overlays be adjusted. There were two submissions seeking that the risk category assigned to an overlay be changed.
599. The submitters gave a variety of reasons for their requests, including that the overlay boundaries are incorrect, risk is overstated, rules are unreasonable and restrict development, and good drainage systems are in place. Submitters also considered that the overlay zones would have adverse effects on property values, insurance and ability to sell. Others thought that the Section 32 and associated reports were deficient. Some submitters noted that in some instances development has already been approved that incorporates mitigation measures.
600. With respect to the request to increase the hazard risk categorisation for particular properties and a specific area, the submitter considered that the risk classification was understated, the area has a history of flooding and the overlay zones did not reflect the June 2015 or preceding flood events.
601. All but two of the original submissions were opposed by the *ORC*, who considered that the flood hazard mapping was valid and fit for purpose while acknowledging scope to improve the accuracy of the mapping. The *ORC* also considered that inclusion of alluvial fans in flood hazard overlays had caused confusion.

3.17.2.2 s42A Report Recommendations

602. The Reporting Officers agreed with the concerns raised by the *ORC* that some of the submissions questioning the extent of the mapping may be due to people not understanding that the 'flood' hazard was a hazard from an alluvial fan.
603. The Reporting Officers, therefore, recommended that alluvial fans included in the Hazard 2 and 3 (flood) Overlay Zones be removed from those overlays and instead be included in a new hazard (alluvial fan) overlay zone in order to avoid confusion and recognise the different hazards associated with alluvial fans, and that the new overlay zone be given a risk categorisation of hazard 3 (low risk), as recommended by Dr Ben Mackey, Alluvial Fans, 16 February 2017 (s42A Report, Section 7.2.2, pp. 247-248).
604. They also recommended that the earthworks – small scale thresholds (performance standard) apply to the Hazard 3 (alluvial fan) Overlay Zone as earthworks have the potential to change the overland flow of water on alluvial fans. They noted consequential amendments would be required (e.g. to definitions, policies and rules) as a result of these amendments. For those properties that were previously in a Hazard 2 or 3 (flood) Overlay Zone this amendment would not result in a substantive change to the earthworks controls, as the earthworks performance standard already applied. However, for those properties previously in a Hazard 2 (flood) Overlay Zone the change to a Hazard 3 (alluvial fan) Overlay Zone would mean that they would no longer be subject to the 'change to activity status' rules.
605. The Reporting Officers recommended rejecting the request by the *ORC* for performance standards for the avoidance of likely overflow channels and the use of suitable construction methods. The Reporting Officers stated that as likely overland flow channels have not been mapped, that they considered it inappropriate to apply

²¹ See s42A Report, Section 7.3.6, for list of submitters.

a performance standard that would require site specific assessment by a suitably qualified professional. Further, they considered the Building Act minimum floor level requirements to provide an adequate control, given Dr Mackey's evidence that the probability of flooding on alluvial fans is low. They noted recommendation to remove minimum floor level requirements from the 2GP and rely on implementation of them through the Building Code.

606. The Reporting Officers did not recommend any changes to the map extents but noted that the ORC may employ GNS Science to review the alluvial fans in the future.

3.17.2.3 Hearing Evidence

607. Mr *George A H Kidd* (OS675) appeared at the hearing and tabled a written statement about his knowledge of the history of Jaffrays Creek. He stated that in the past most of the flooding has been on the true right of the creek, and that the creek is now well incised. He considered that none of the properties on the Dunedin side of Riccarton Road East should be categorised as floodable.
608. Mr *Alister William Bales Elliot* (OS763) tabled an email at the hearing but did not appear in person. He stated that he had spoken with Ms Valk regarding the recommendation on hazard zoning as it related to his property, and provided the recommendation goes through he approves of the action.
609. *Raymond and Evelyn Beardsmore* (OS429) appeared at the hearing and tabled a written statement. They supported the Reporting Officers' recommendations that flood risk areas and alluvial fans be separated and that the overlay boundary is amended as they considered the mapping of alluvial fans to be highly inaccurate. They requested that that the alluvial fan mapping be removed as they considered that it served no purpose. They considered that alluvial fans are very good for building on, and that they had built on one in the Woodside area, but that the creek was well incised. They stated that they did not want their property tainted by inaccuracies and wanted the alluvial fan removed while more work was done.
610. Mr Graeme Mathieson (Senior Resource Management Consultant) was called by *AgResearch Limited* (OS924), and tabled written evidence at the hearing but did not appear. Mr Mathieson noted that the s42A Report recommends removing all alluvial fans from the Hazard 2 and 3 (flood) Overlay Zones and creating a new Hazard 3 (alluvial fan) Overlay Zone. However, he stated that the Invermay Campus site had not been changed from a flood overlay to an alluvial fan overlay, which he considered would be the correct classification.
611. He considered that as the alluvial fan overlay indicates a lesser risk than the flood overlay, it should not be subject to the same restrictive rules (earthworks and minimum floor levels).
612. Mr Andrew Robinson (surveyor) was called by *Owhiro River Limited* (OS845). Mr Robinson stated that the submitter was supportive of the Reporting Officers' recommendations to change the alluvial fans to their own map category and not impose minimum floor level requirements for alluvial fans.
613. At the hearing the Reporting Officers advised us that the ORC was to engage GNS Science to review the extent of the alluvial fans in the Woodside/West Taieri area and that the results of the review would be provided to us when available.

3.17.2.4 Decision and Reasons

614. Based on the expert and other evidence presented for this topic we have made the following decisions.
615. We accept the submission of the *ORC*, as supported by the Reporting Officers, in so far as it requests a separate overlay for alluvial fans. We believe this will provide clarity to plan users and better recognise the different hazards associated with alluvial fans. We amend the 2GP in order that alluvial fans that were included in the Hazard 2 and 3 (flood) Overlay Zones are removed from those overlays and instead

included in a new hazard (alluvial fan) overlay zone. This amendment and the following consequential amendments are attributed to submission reference NH908.57):

- Amend Policy 2.2.1.3 to refer to new Hazard 3 (alluvial fan) Overlay Zone
- Add a new definition of 'alluvial fan'
- Amend the introduction of 11.1.1 to refer to alluvial fans
- Amend 8A.5.1 Earthworks - small scale thresholds to refer to the new Hazard 3 (alluvial fan) Overlay Zone

616. Based on the evidence of Dr Ben Mackey (Alluvial Fans, 16 February 2017) this alluvial fan overlay is given a risk categorisation of hazard 3 (low risk). We have therefore amended Table 11.3 to refer to the new overlay and its risk categorisation.
617. We accept, in part, the submission of *ORC* regarding application of performance standards. We agree with the Reporting Officers' recommendation for consequential amendments to the earthworks – small scale thresholds (performance standard) in the management and major facility zone sections of the 2GP so that they apply to the Hazard 3 (alluvial fan) Overlay Zone, as earthworks have the potential to change the overland flow of water on alluvial fans. Amendments are shown in Appendix 1 and attributed to submission point NH908.57. We do not consider that other performance standards as requested by *ORC* are necessary given the nature of the risk, and note that Building Act minimum floor level requirements will apply to these areas, regardless of there being no performance standard on this matter in the 2GP.
618. In response to the submission of *AgResearch Limited* we note that the Reporting Officers stated in their revised recommendations that at the time of release of the s42A Report the Invermay Campus site was shown as subject to both flood and alluvial fan overlay zones, however there was a technical error meaning that these mapping amendments reverted to notification mapping (showing the site as subject to only a flood hazard overlay). The mapping was corrected on the 2GP website recommendations maps.
619. Although the recommendation in the s42A Report was to change some Hazard 3 (flood) Overlay Zones to Hazard 3 (alluvial fan) Overlay Zones (where the hazard is sourced from an alluvial fan), the Reporting Officers advised in their revised recommendations that in some instances land is prone to flooding from both an alluvial fan and another source so it is appropriate to have both flood and alluvial fan overlay zones applying. We were informed that this is the case for parts of the Invermay Campus site. We accept the Reporting Officers' recommendation that where a site is affected by multiple hazards sources then multiple hazard overlay zones should apply.
620. In regard to the alluvial fan extents referred to in Dr Ben Mackey's evidence *Coastal Flood Hazards, 13 October 2016*, we note that he advised removing the coastal alluvial fans incorporated into Hazard 1 and 2 (flood) Overlay Zones from the 2GP, due to the scale and intent of the mapping from which these were drawn. These amendments are incorporated into the decisions on the relevant Hazard 1 and 2 (flood) Overlay Zones discussed below.
621. At the Natural Hazards hearing we were advised by the Reporting Officers that the ORC/GNS review of alluvial fan extents in the Woodside area was likely to be available in late 2017, however at the time of writing this decision further information had not been received. We consider that should this review result in the need to amend overlay zone maps in this area, that this can be undertaken through a future plan change process. Any further information provided will be made available to affected property owners and in the event that anyone wished to undertake earthworks before a plan change adjusted boundaries of the alluvial fans, the new information would be taken into account in assessing an application.

3.17.3 Hazard 1 and 2 (flood) Overlay Zones - Waikouaiti River, Waitati River and Otokia Creek (Brighton)

3.17.3.1 Submissions

622. A total of 41 submissions²² (21 original submissions and 20 further submissions) were received on the Hazard 1 and 2 (flood) Overlay Zones identified in the ORC report *Coastal hazards of the Dunedin City District, 2014* for the areas affected by the Waikouaiti River, Waitati River and Otokia Creek (Brighton), and adjacent alluvial fans, flood ponding areas, and several other small water bodies in the vicinity. The submissions were grouped as follows.
623. Five parties submitted on the Waikouaiti floodplain Hazard 2 (flood) Overlay Zone. Four of the submitters requested that the overlay be removed and one submitter requested a change in risk category to hazard 3.
624. The submitters gave a variety of reasons for their requests, including that the overlay boundaries are incorrect, rules are unnecessary and restrict development, there will be adverse effects on insurance and ability to sell the property, and lack of ditch maintenance.
625. Seven parties submitted on the Waitati floodplain Hazard 2 (flood) Overlay Zone. Two of the submitters sought that the overlay be removed, three submitters requested that the overlay be adjusted and one submitter sought a change in risk category to hazard 3. One submitter did not make a specific request regarding the mapping but wished to be involved in the process.
626. The submitters gave a variety of reasons for their requests, including that the overlay boundaries are incorrect, loss of property rights, and that since the 2006 floods DCC has improved drainage in Harvey Street, Waitati and there was no flooding here with recent floods
627. Nine parties submitted on the Brighton floodplain Hazard 1 and 2 (flood) Overlay Zones. Five of the submitters sought removal of an overlay, three submitters sought that an overlay be adjusted and one submitter sought a combination of outcomes (removal of an overlay and a change in risk category for an overlay).
628. The submitters gave a variety of reasons for their requests, including that the overlay boundaries are incorrect, there would be adverse effects on property values, and that any flooding is a drainage/overland flow issue.
629. All but three of the original submissions were opposed by the ORC, who considered that the flood hazard mapping was valid and fit for purpose while acknowledging scope to improve the accuracy of the mapping. The ORC also considered that inclusion of alluvial fans in flood hazard overlays had caused confusion.

3.17.3.2 s42A Report Recommendations

630. The Reporting Officers stated that following notification of the 2GP, the ORC had reviewed these submissions and recommended minor amendments to the overlay zones as detailed in the evidence of Dr Ben Mackey *Coastal Flood Areas, 13 October 2016*. As such, the Reporting Officers recommended that the Waikouaiti, Waitati and Brighton floodplain Hazard 2 (flood) Overlay Zones be amended as detailed by the ORC (s42A Report, Section 7.3.1, pp. 256-257).

3.17.3.3 Hearing Evidence

631. Mr *Peter Gilbert* (OS275) tabled a written statement and a topographical survey map but did not appear at the hearing. He requested that the Hazard 2 (flood) Overlay Zone be removed from 111 Stornoway Street, Karitane, as the survey map provided

²² See s42A Report, Section 7.3.1, for list of submitters.

indicated that the land is at least 4-7 metres above sea level, and is therefore above the proposed minimum floor levels. He stated that the property has never been subject to flooding nor has it previously slipped.

632. Mr *Bruce McLennan* (FS2322) tabled an email but did not appear at the hearing. He stated that he had seen the new maps which agree with his original submission and therefore he had no further objection.
633. Mr *Philip Gilbert Williams* (OS340) tabled an email at the hearing but did not appear in person. He stated that he no longer intended to appear at the hearing as a result of the Reporting Officers' recommendations.

3.17.3.4 Decision and Reasons

634. Based on the expert and other evidence presented for this topic we have made the decision to amend the Hazard 1 and 2 (flood) Overlay Zones for the coastal floodplains as recommended based on the revised assessment of the flood risk extents provided by Dr Mackey in his evidence *Coastal Flood Areas, 13 October 2016*, which we note considered the information and evidence given in submissions.
635. We accept the advice of Dr Mackey and remove the alluvial fan from the lower Otokia Creek hazard overlay, Waitati River flood hazard overlay, lower Careys Creek flood hazard overlay and lower Waikouaiti Valley flood hazard overlay.
636. We note in regard to *Mr Gilbert's* submission that 111 Stornoway Street, Karitane is no longer subject to a Hazard 2 (flood) Overlay Zone as a result of the amendments.

3.17.4 Hazard 2 (flood) Overlay Zone – Kaikorai Stream

3.17.4.1 Submissions

637. There were 62 submissions²³ (31 original submissions and 31 further submissions) received on the Hazard 2 (flood) Overlay Zone for the Kaikorai floodplain. The s42A Report explained that the Kaikorai Stream (downstream of Frasers Creek) was identified as a source of flood hazard in the ORC report *Flood hazard of Dunedin's urban streams, 2014*. This flood hazard area was included in the 2GP as a Hazard 2 (flood) Overlay Zone, having been assessed as having a moderate level of risk.
638. There were 28 submitters who requested removal of the overlay, two who requested that it be adjusted, and one submitter seeking that the risk category be changed to hazard 3.
639. The submitters gave a variety of reasons for their requests. Some submitters considered that the overlay boundaries are incorrect. Others stated that there was no evidence/history of flooding. Concerns were raised about the risk being overstated, raising specific concerns about the adverse effects on property values, insurance, ability to sell, and restricting development. Submitters also stated that they thought the Section 32 and technical reports were deficient.
640. Submitters also considered that there had been a lack of investigation into stormwater infrastructure issues and lack of waterway/infrastructure maintenance, and that any flooding is a drainage/overland flow issue. Submitters stated that the RMA is not 'no risk' legislation, and that DCC had already consented development in affected areas. They noted that in some areas there had been flood mitigation works/property level alterations.
641. All but one of the original submissions were opposed by the ORC, who considered that the flood hazard mapping and characterisation used in the 2GP was valid and fit for purpose, while acknowledging that there was scope to improve the accuracy of the mapping.

²³ See s42A Report, Section 7.3.2, for list of submitters.

3.17.4.2 s42A Report Recommendations

642. The Reporting Officers stated that following notification of the 2GP, the ORC had reviewed these submissions and recommended a minor amendment to the overlay zone as detailed in the evidence of Dr Ben Mackey *Urban Stream Flood Hazard, 2 February 2017*. As such, the Reporting Officers recommended that the Kaikorai floodplain Hazard 2 (flood) Overlay Zone be amended as provided by the ORC (s42A Report, Section 7.3.2, p.265).

3.17.4.3 Hearing Evidence

643. Mr Don Anderson (planning consultant), called by *Kenneth John Lawson (OS962)*, attended the hearing and tabled images in relation to 2 Donald Street, Kaikorai Valley. Mr Anderson was of the opinion that the flood hazard overlay was unnecessary for several reasons including because the site does not contain a sensitive activity and the building is unsuitable for use by Sensitive Activities, and the RMA is not 'no risk' legislation. He considered that the only way to avoid the flood hazard risk was to prohibit development.
644. He stated that if restrictions are being imposed on the use of land then modelling should be undertaken. In regard to the Kaikorai Stream he noted it was well defined and the flood mapping only maps an envelope - ignoring mitigation, adequate maintenance and protective works.
645. He was of the opinion that the s42A Report relied on the evidence of Dr Mackey who has no qualification in resource management, ORC have a history of taking simplistic/extreme views, and that they only did the mapping so they don't have to worry about mitigation of the Kaikorai Stream. He did not see why the recommended mapping amendments removed one side of the valley but not the other, as he considered there was little if any difference in height.
646. Mr Anderson went on to claim that maintenance or mitigation was not considered in determining the risk classification, and that the DCC does not have staff with expertise to implement the 2GP natural hazard provisions.
647. He noted the potential ramifications for people seeking insurance, noting that even though it was not an RMA matter it was a real issue for property owners and tenants, and he sought removal of the overlay from all properties in Kaikorai Valley below Donald Street.
648. *Brendon and Shirlene Pryde (OS1000)* appeared at the hearing to explain their concerns about mapping in the Frasers Creek catchment. They were concerned about how the hazard was classified (Hazard 2 classification) and did not believe the historical data proves that there is a moderate level of risk. They stated that they haven't lived there long but have talked to other residents and that there was no history of flooding, but that the velocities in the stream increase when it rains.
649. *Mr and Mrs Pryde* did not believe that the geomorphic mapping approach used was fit for purpose for Frasers Creek and would like to see further investigation, including modelling. They were concerned about the effects on property values and would be happier with a hazard 3 risk classification.
650. *Mr Iain Lamont (OS409)* appeared at the hearing and gave a PowerPoint presentation about Frasers Creek. Although he considered that the risk management approach is appropriate, he had specific concerns about the mapping in the vicinity of Frasers Creek. He noted that the floodplain is not flat, and that he had concerns about the geomorphic approach being taken in conjunction with the risk based approach, and considered that the likelihood of a flood hazard event as mapped occurring had not been properly assessed, but was unlikely. He requested the removal of the overlay zone from Glenross Street, or that it be given a hazard 3 risk classification.
651. Glenis Telfer appeared at the hearing on behalf of *Glenis Kay and Adrian Melvyn Telfer (OS993)* and tabled a written statement in relation to Frasers Creek. She noted

that the stream bank opposite their house was lower and that the evidential basis for the mapping was weak. She was unhappy with having a flood hazard notation on a LIM report as it could affect resale and insurance for their property. She considered that extra research needed to be completed and requested removal of the overlay zone from their property.

652. Mr Nigel Pitts (consulting surveyor), called by *Iain Lamont (OS409)*, *Glenis Kay and Adrian Melvyn Telfer (OS993)* and *Brendon and Shirlene Pryde (OS1000)*, appeared at the hearing and tabled a written statement in regard to Frasers Creek. Mr Pitts began by stating that he was involved with the Glenross subdivision in the 1970s so had a good knowledge of the area.
653. He referenced the report *Kaikorai Stream Flood Hazard Report, ORC (2001)* in some detail, noting that the report includes little information about Frasers Creek but that it states that the channel can pass a 1 in 100-year flood event. He stated that Frasers Creek is relatively incised (3-4 metres) and stable, although some debris can be washed down at times.
654. He considered the geomorphologic approach taken to be too broad brush, again stating the channel is well defined and that any movement towards Glenross Street seems unlikely, and that it is more likely that it would overflow on the true left bank, such as when flooding in 1924 resulted in overtopping into Ellis Park. He was of the opinion that hydraulic modelling needed to be undertaken and noted that there were options available to mitigate the potential for flooding.
655. He agreed that there should be consideration of flood hazard and risk in some form, and considered that any development upstream should ensure that on-site mitigation measures are undertaken for stormwater so as not to increase flows in Frasers Creek. Mr Pitts advised that he had further information to support the submitters including cross-sections and LiDAR information which he provided following the hearing.
656. Mr *Kerry James Goodhew (OS565)* tabled an email but did not appear at the hearing. He stated that he had seen the Reporting Officers' recommended amendments to the Kaikorai Valley flood hazard overlay which removes their property from being one at risk. He stated that if the revised mapping was confirmed then he would be satisfied that his submission had been heard and acted upon.

3.17.4.4 Reporting Officers' Revised Recommendations

657. During their presentation of revised recommendations, the Reporting Officers stated that they relied on the technical evidence from the ORC, but noted that where there is insufficient technical or observational data to support the geomorphological approach then they would be inclined to remove the hazard mapping pending further work. If that further work identifies areas at risk, those can be incorporated into the district plan through a subsequent plan change.
658. We questioned Dr Jean-Luc Payan of the ORC about the extent of the overlay in the Frasers Creek, Kaikorai Valley area, and Dr Payan acknowledged that further investigation of the risk should be undertaken. We asked Dr Payan to undertake this additional work and provide further information to us.
659. Following the Natural Hazards hearing the Reporting Officers provided us with a publicly available memo regarding Frasers Creek. In that memo, Dr Payan advised that hydraulic modelling was required to assess the channel capacity and possible bank overtopping locations, and that if bank overtopping is likely the geomorphic approach could be used to map the flood hazard. Dr Payan estimated that this will require approximately two months of work.
660. The Reporting Officers recommended at the Natural Hazard hearing in their revised recommendations, that if ORC could not undertake additional investigation (such as modelling) of the flood hazard present, that the overlay zone be removed until more site-specific information was available, due to the absence of observational data.

661. This work was not completed before the hearings adjourned, therefore we accept the Reporting Officers' recommendation that the extent of the Hazard 2 (flood) Overlay Zone at Frasers Creek, Kaikorai Valley be reduced to the extent of the creek bed (bank to bank). We acknowledge that further investigations may well confirm at risk areas similar to those identified in the 2GP, but in our assessment, it is unreasonable to confirm restrictions now, based on limited evidence. The Panel made a site visit to better understand the *ORC* and submitters' evidence about the Frasers Creek area. This will facilitate an efficient subsequent plan change process when further information is made available regarding the flood hazard extent.

3.17.4.5 Decision and Reasons

662. Based on the expert and other evidence presented for this topic we have made the following decisions.
663. Amend the Hazard 2 (flood) Overlay Zone in Kaikorai Valley as recommended based on the revised assessment of the flood risk provided by Dr Mackey in his evidence *Urban Stream Flood Hazard, 2 February 2017*, which we note considered the evidence given in submissions, as the amendments ensure that the mapping is as up to date and accurate as possible.
664. In regard to Frasers Creek, we amend the Hazard 2 (flood) Overlay Zone so that it only extends to cover the creek bed to the top of the banks. Further investigation is being undertaken by the *ORC*. We acknowledge that further investigations may well confirm "at risk" areas similar to those identified in the 2GP, but in our assessment, it is unreasonable to confirm restrictions now, based on limited evidence. Should further analysis by the *ORC* indicate that the flood hazard extends beyond the stream bed, a future plan change process can be undertaken to include any such areas in the 2GP.
665. The Panel made a site visit to better understand the *ORC* and submitters' evidence about the Frasers Creek area.

3.18 Hazard 2 and 3 (flood) Overlay Zones - Lindsay Creek and Water of Leith

3.18.1 Submissions

666. There were 51 submissions²⁴ (25 original submissions and 26 further submissions) received on the Hazard 2 (flood) Overlay Zone for Lindsay Creek and the Hazard 3 (flood) Overlay Zone for the Water of Leith.
667. The s42A Report explained that the Water of Leith (downstream of Nichols Creek) and Lindsay Creek (downstream of Forrester Park) were identified as sources of flood hazard in the report *Flood hazard of Dunedin's urban streams, 2014*. Lindsay Creek was included in the 2GP as a Hazard 2 (flood) Overlay Zone and the Water of Leith was included as a Hazard 3 (flood) Overlay Zone, having been assessed as having moderate and low levels of risk respectively.
668. The submitters requested a number of specific decisions. In summary 17 submitters sought removal of an overlay, one submitter requested that the overlays be adjusted, and two submitters requested they be removed. Further, three submitters requested a combination of outcomes (removal of overlay zone or change to hazard 3 risk category) and one submitter specifically requested a reduction of risk category. Also, the *ORC* (OS908.38) requested that the Hazard 3 (flood) Overlay Zone for the Water of Leith upstream of Woodhaugh Garden be changed to a Hazard 2 (flood) Overlay Zone.

²⁴ See s42A Report, Section 7.3, for list of submitters.

669. The submitters gave a variety of reasons for their requests. Some suggested that the overlay boundaries are incorrect. Others felt that the methodology used was too conservative or that the risk was overstated. Submitters raised specific concerns about adverse effects on property values, insurance, ability to sell and restricting development. Some submitters thought that the Section 32A Report was deficient.
670. Submitters also stated that there had been a lack of investigation into stormwater infrastructure issues and lack of infrastructure and waterway maintenance. They also considered that flood mitigation works were not taken account of, and noted that Chingford Park provides a natural ponding and runoff area.
671. In relation to the *ORC's* request to change the Hazard 3 (flood) Overlay Zone for the Water of Leith upstream of Woodhaugh Garden to a Hazard 2 (flood) Overlay Zone, the reason provided was that upstream of Woodhaugh Garden there is potential for blockage of the main channel, leading to overtopping and flooding of adjacent areas. Downstream of Woodhaugh Garden there is a comprehensive flood protection scheme.
672. All but three of the original submissions were opposed by the *ORC*, who considered that the flood hazard mapping and characterisation used in the 2GP was valid and fit for purpose, while acknowledging that there was scope to improve the accuracy of the mapping.

3.18.1.1 s42A Report Recommendations

673. The Reporting Officers stated that following notification of the 2GP, the *ORC* had reviewed these submissions and recommended minor amendments to the overlay zones as detailed in the evidence of Dr Ben Mackey *Urban Stream Flood Hazard, 2 February 2017*. As such, the Reporting Officers recommended that the Lindsay Creek Hazard 2 (flood) Overlay Zone and Water of Leith Hazard 3 (flood) Overlay Zone be amended as suggested in this evidence (s42A Report, Section 7.3.3, p. 274).
674. Further, the Reporting Officers recommended that given the characterisation of the flood hazard for the Water of Leith upstream of Woodhaugh Garden, this Overlay Zone be changed from Hazard 3 (flood) to Hazard 2 (flood).

3.18.1.2 Hearing Evidence

675. Mr *Bruce Mark Norrish* (OS461) appeared at the hearing and tabled an aerial image of his property at 3 Rhodes Terrace, North East Valley, showing contour lines. He pointed out where the Hazard 2 (flood) Overlay Zone boundary was, noting that there is a 2 metre retaining wall between his property and Ross Home which the overlay zone crosses. He does not believe this is realistic. Mr Norrish was particularly concerned about the effects of the overlay on resale value and requested that the overlay zone be removed from his property.
676. We questioned Dr Jean-Luc Payan of the *ORC* regarding the extent of the overlay in the vicinity of Mr Norrish's property at 3 Rhodes Terrace, and Dr Payan acknowledged that further investigation should be undertaken. The Panel asked Dr Payan to undertake this work and provide further information to the Panel.
677. Following the Natural Hazards hearing the Reporting Officers provided us with a publicly available memo regarding 3 Rhodes Terrace. The memo recorded that Dr Payan had undertaken additional investigation and recommended that the overlay zone be amended in the vicinity of 3 Rhodes Terrace to follow the 2 metre retaining wall referred to by Mr Norrish. The Reporting Officers recommended that we follow Dr Payan's advice.

3.18.1.3 Decision and Reasons

678. Based on the expert and other evidence presented for this topic we have made the following decisions:

- amend the Hazard 2 and 3 (flood) Overlay Zones associated with Lindsay Creek and the Water of Leith as recommended based on the revised assessment of the flood risk extents given by Dr Mackey in his evidence *Urban Stream Flood Hazard, 2 February 2017*, which we note considered the evidence given in submissions
- amend the Hazard 3 (flood) Overlay Zone associated with the Water of Leith upstream of the Woodhaugh Gardens to a Hazard 2 (flood) Overlay Zone, based on the submission of the *ORC* as the evidence shows that this area has a greater flood risk than the areas downstream
- amend the Hazard 2 (flood) Overlay Zone in the vicinity of 3 Rhodes Terrace based on the evidence given by Dr Payan in his further evidence dated 30 June 2017.

3.18.2 Hazard 1, 2 and 3 (flood) Overlay Zones – Taieri Plain

3.18.2.1 Submissions

679. There were 25 submissions²⁵ (13 original submissions and 12 further submissions) received on the Hazard 1, 2 and 3 (flood) Overlay Zones for the Taieri Plains. The s42A Report explained the Taieri River and other smaller water bodies were identified as sources of flood and alluvial fan hazard in the report *Flood hazard on the Taieri Plain and Strath Taieri, 2014*. These flood hazard areas were included in the 2GP as Hazard 1, 2 and 3 (flood) Overlay Zones, depending on their level of risk (high, moderate or low respectively).
680. In summary, seven submitters sought that the overlays be removed, one submitter sought review of an overlay, and four submitters requested a change in risk category to hazard 2. Another submitter requested that an overlay be reduced in area and the remainder be change to a Hazard 3 risk category.
681. The submitters gave a variety of reasons for their requests. Some suggested that the overlay boundaries are incorrect. Others felt that the risk classification was wrong. Submitters also raised specific concerns about adverse effects particularly on property values and the cost of insurance, and by restricting development. Some submitters considered the imposition unjust and inequitable, while others felt that the Section 32 Report was deficient. Submitters also considered that infrastructure was not up to the job and/or there had been a lack of infrastructure maintenance, flood mitigation works had not been taken account of, and that DCC has allowed development which is contributing to flooding issues.
682. All of the original submissions were opposed by the *ORC* who considered that the flood hazard mapping and characterisation used in the 2GP was valid and fit for purpose, while acknowledging that there was scope to improve the accuracy of the mapping.

3.18.2.2 s42A Report Recommendations

683. The Reporting Officers stated that following notification of the 2GP, the *ORC* had reviewed these submissions and recommended minor amendments to the overlay zones as detailed in the evidence of Dr Jean-Luc Payan *Taieri Plain Flood, 15 February 2017*. The Reporting Officers recommended that the Taieri Plains floodplain Hazard 1, 2 and 3 (flood) Overlay Zones be amended as suggested in this evidence (s42A Report, Section 7.3.5, p. 281).

3.18.2.3 Hearing Evidence

684. Mr Bob Ischia appeared at the hearing representing the *RP & CE Ischia Family Trust* (OS418). Mr Ischia's concerns were largely in relation to the proposed *ORC*

²⁵ See s42A Report, Section 7.3.5 for list of submitters.

designation as it affects 19 Ashton Street, Mosgiel, but he was also concerned about recent development increasing flows in the Owhiro Stream, and raising the potential for flooding near this property. The designation is addressed in our Designation Decision Report, and addresses the concerns of the submitter.

3.18.2.4 Decision and Reasons

685. Based on the expert and other evidence presented for this topic we have made the following decisions:

- amend the Taieri Plains Hazard 1, 2 and 3 (flood) Overlay Zones as recommended based on the revised assessment of the flood risk extents given by Dr Jean-Luc Payan in his evidence *Taieri Plain Flood, 15 February 2017*, which we note considered evidence given in submissions
- amend the Hazard 1 (flood) Overlay Zone as recommended in the Joint Conferencing Statement between ORC and DCC on Prohibited Activity Status for Hazard 1 (flood) Overlay Zones, as follows:

amend the area described by ORC as Area 12 – East Taieri Upper Pond, in order that it aligns with the mapping of ORC designation D217 (Lower Taieri Flood Protection Scheme), resulting in a minor extension to this hazard area, as that mapping is based on LiDAR information and is therefore more accurate

- amend the Hazard 1 (flood) Overlay Zone in the area described by ORC as Area 10 – Lower Taieri Floodway at the southern end of the flood-free highway (Allanton-Waihola Road) to align with the floodbank, rather than the highway in that area, as this delineation is more accurate

3.18.3 Hazard 1 (flood) Overlay Zone – Strath Taieri

686. Councillor Kate Wilson did not take part in the hearing of submissions, or deliberations on this matter because she is a landowner in the affected area of the Strath Taieri Plain.

687. The s42A report explained that the Taieri River was identified as a source of flood hazard in the report *Flood hazard on the Taieri Plain and Strath Taieri, 2014*, and in the vicinity of Middlemarch, was included in the 2GP as a Hazard 1 (flood) Overlay Zone, having been assessed as having a high level of risk.

688. The submitters gave a variety of reasons for their requests, including that the overlay boundaries are incorrect and there will be implications (adverse effects on property values and restrictions on development).

689. The ORC opposed four of the seven original submissions, as they considered that the flood hazard mapping was valid and fit for purpose, while acknowledging scope to improve the accuracy of the mapping.

690. In their s42A report, the Reporting Officers stated that following notification of the 2GP, the ORC had reviewed these submissions and recommended minor amendments to the overlay zones, as detailed in the evidence of Dr Ben Mackey *Strath Taieri Flood, 24 August 2016*. The Reporting Officers recommended that the Strath Taieri Hazard 1 (flood) Overlay Zone be amended to align with the extent given in this more recent evidence (s42A Report, Section 7.3.4, pp. 276-277).

3.18.3.1 Decision and Reasons

691. We amend the Strath Taieri Hazard 1 (flood) Overlay Zone as recommended by the Reporting Officers, based on the revised assessment of flood risk extents provided by Dr Ben Mackey in his evidence *Strath Taieri Flood, 24 August 2016*, which we note considered the evidence given in submissions.

3.18.4 Swale Mapped Area

692. The s42A report explained the Taieri River and other smaller water bodies, including overland flow paths, were identified as sources of flood hazard in the report *Flood hazard on the Taieri Plain and Strath Taieri, 2014*. Based on the importance of overland flow paths for conveying flood water, mitigating flood risk and to the efficient and effective operation of the ORC's Lower Taieri Flood Protection Scheme, they were included in the 2GP as Swale Mapped Areas. In some instances, swales are also identified as scheduled drains in the ORC's Flood Protection Management Bylaw 2012, and are subject to designations in the 2GP.
693. Rules restrict most activities from locating in these mapped areas.
694. There were nine submissions²⁶ received on the Swale Mapped Area (five original submissions and four further submissions). One submitter sought removal of the mapped area, three submitters requested it be adjusted and one submitter sought that more clarity be provided to the public regarding what the mapped area means.
695. The submitters gave a variety of reasons for their requests, including that there will be restrictions on the size/placement of a specific residence, the mapped area extends beyond the East Taieri Drainage Scheme and will affect the ability to develop land, and the mapping is incorrect. Submitters also stated that they were not aware of flood events affecting specific properties, and they understood that the drainage scheme was in place to avoid flood events occurring.
696. The ORC opposed four of the five original submissions, as they considered that the flood hazard mapping was valid and fit for purpose, while acknowledging scope to improve the accuracy of the mapping.
697. The Reporting Officers stated that following notification of the 2GP, the ORC had reviewed these submissions and recommended minor amendments to the Swale Mapped Area as detailed in the evidence of Dr Jean-Luc Payan *Taieri Plain Flood, 15 February 2017*. The Reporting Officers recommended that the Swale Mapped Area be amended to align with the extent given in this more recent evidence (s42A Report, Section 7.3.7, pp. 287-288).
698. In regard to the request to provide more clarity to the public about what the mapped area means, the Reporting Officers stated that they were unable to recommend any amendments without further information on what changes were being sought, and noted that the term 'Swale' is defined in the 2GP.

3.18.4.1 Decision and Reasons

699. We amend the Swale Mapped Area as recommended by the Reporting Officers based on the revised assessment of extents provided by Dr Jean-Luc Payan in his evidence *Taieri Plain Flood, 15 February 2017*, which we note considered the evidence provided in submissions.
700. We accept the advice of Dr Jean-Luc and amend the Swale Mapped Area based on LiDAR topography to reflect site specific information provided in submissions.
701. In regard to the submission requesting more clarity about the mapped area, we note our decision as outlined in the Plan Overview Decision to include descriptions of all overlays in the Plan's introduction may give some relief to this submitter.

²⁶ See s42A Report, Section 7.3.7 for list of submitters.

4.0 Other Key Topics

4.1 Suggested New Definition of Ground Floor Area

702. The term 'ground floor area' is used only in the change to activity status in hazard overlay zones rules. It was not intended that 'ground floor area' would include features that do not form part of the usable internal building space. During the post notification period, the lack of clarity around this was raised by members of the public, and as a result the *DCC* included a submission on the Plan to rectify this by adding a definition.
703. The Reporting Officers recommended that a new definition of 'ground floor area' be added to the 2GP to provide clarity that non-habitable parts of a house are not intended to be captured in the calculation of ground floor area for the purposes of the change in activity status in hazard overlay zone rules (s42A Report, Section 4.1.21, p.42).

4.1.1 Decision and Reasons

704. We accept the submission of the *DCC* to add a new definition for 'ground floor area' for the reasons provided by the Reporting Officers above, but make a minor amendment to the definition to ensure that any non-internal spaces e.g. decks that would impede the free flow of floodwater are captured, in order that the effects can be assessed. These amendments are shown in Appendix 1 and attributed to submission point NH360.217.

4.2 Natural Hazards Introduction

705. The introduction to the Natural Hazards section includes recognition of fire as a natural hazard. The introduction to section 9 (Public Health and Safety) of the 2GP also includes reference to fire as a risk to people and property.
706. The *New Zealand Fire Service (NZFS)* (OS945.27) requested that the natural hazards introduction be amended, as while the risks of fire cannot be entirely eliminated, the provision of water for firefighting can help mitigate the effects. The submitter considered that the introduction needed to reflect the plan's recognition of the importance of water for managing the effects of fire and that it would help explain the basis for inclusion of the NZFS Firefighting Water Supplies Code of Practice.
707. The Reporting Officers recommended that the submission be accepted, in part, and the Natural Hazards introduction be amended to note that the Plan includes requirements for water supply access and suitable access for firefighting purposes in the Public Health and Safety section of the 2GP (s42A Report, Section 4.1.3, p. 43).

4.2.1 Decision and Reasons

708. We accept, in part, the submission of the *New Zealand Fire Service* and agree with the relief proposed by the Reporting Officers, as the amendment to the Natural Hazards introduction makes it clear that the 2GP contains provisions regarding the importance of firefighting. This amendment is shown in Appendix 1 and attributed to submission point NH945.27.

4.3 Broad Submissions on Natural Hazards Management Approach - Request to Amend Provisions to Recognise Cumulative Risk

709. The *ORC* (OS908.59) requested that natural hazard provisions be amended to recognise cumulative risk in areas which have more than one mapped natural hazard overlay and/or other mapped risk characteristics. The submitter stated that some areas are subject to more than one natural hazard risk, and it is important to recognise this in determining an activity's classification and assessment. It considered that where an area is mapped as being subject to more than one risk, it may be appropriate that the site is held to a higher regulatory test.
710. The *ORC* was opposed by *the Oil Companies* (FS2487.39), who considered this to be unnecessary, as any activity would be assessed against the highest activity status if in an area of differing risk categorisation. They did not consider it necessary to increase the status of the regulatory test (e.g. to prohibited activity status). Further, it stated that consideration of cumulative risk can be included within the assessment criteria of either restricted discretionary or discretionary activities.
711. The Reporting Officers were in agreement with the further submitter that it was unnecessary to apply a higher regulatory test, noting that when risk classification was applied that consideration was given to cumulative effects, particularly in regard to potential consequences. However, they noted that although cumulative effects could be considered for discretionary activities that there were no applicable assessment criteria, and recommended that cumulative effects be added as an assessment matter (s42A Report, Section 4.1.4, p. 55).

4.3.1 Decision and Reasons

712. Where an activity was to fall into two different activity statuses (through either straddling two different hazard overlay zones or through being subject to multiple hazard overlay zones at the same point), the whole activity would be assessed against the most stringent activity status. We therefore consider it unnecessary to amend the natural hazard provisions to a higher regulatory test in these situations.
713. We accept the submissions, in part, and the relief proposed by the Reporting Officers in order to make it clear that cumulative effects of the same or multiple hazards will be considered. This amendment is shown in Appendix 1 and attributed to submission point NH908.59. Changes are made to the following provisions:
- Rule 11.5.2.1 (assessment of all restricted discretionary activities)
 - Rule 11.6.2.1 (assessment of all discretionary activities)
 - Rule 11.7.2.1 (assessment of non-complying activities)

4.4 Other Submissions on Objective 11.2.1 and Policies

4.4.1 Request to Amend Objective 11.2.1

714. The *Ministry of Education* (OS947.57) sought that Objective 11.2.1 be retained as it supported the minimisation of natural hazard risk on their existing and potential future sites.
715. The *Department of Conservation* (OS949.23) requested that Objective 11.2.1 be amended so that the risk from natural hazards, including climate change, are avoided or minimised, instead of only minimised in order to be consistent with Policy 25 of the New Zealand Coastal Policy Statement, which requires that activities within coastal hazard risk areas avoid increasing the risk of adverse effects. It was opposed by *the Oil Companies* (FS2487.45) who did not support requirements to avoid risk as they considered it will not necessarily be achievable, particularly where an

avoidance approach is linked to events such as climate change or natural hazards (e.g. risk from an earthquake cannot be entirely avoided).

716. The Reporting Officers noted that they had recommended amending Objective 2.2.1 (as follows) so that it only gives one outcome statement to provide clarity and be consistent with the policies that implement it:

"The risk to people, communities, and property from natural hazards, ~~and from considering the potential effects of climate change, is minimised so that the risk is no more than low~~".

717. They considered that it was therefore necessary to amend Objective 11.2.1 to be consistent with Objective 2.2.1 (s42A Report, Section 4.2.3, pp. 115-116). Refer to section 4.3.1 of this decision for further discussion of Objective 2.2.1.

718. In regard to the *Department of Conservation* submission, the Reporting Officers recommended rejecting the submission stating that while a number of policies use the phrasing 'avoided or no more than low' as the policy 'test' for the consideration of individual consent applications, at an overall objective level it would be impossible to avoid all risk, and therefore, the objective of 'no more than low' is more appropriate. They also considered that the use of the word 'avoid' in the NZCPS was not intended to set up a prohibition of any effect or, in this case, risk, but a strong indication of what should be achieved, noting that the NZCPS was written prior to the Supreme Court King Salmon decision.

4.4.1.1 Decision and Reasons

719. We accept the submissions of the *Ministry of Education* and the *Oil Companies*, and reject the submission of the *Department of Conservation*. We agree with the relief recommended by the Reporting Officers to use the 'no more than low' terminology as it provides a clear intended outcome. This amendment is shown in Appendix 1 and attributed to submission point NH908.3.
720. However, we note that we have amended the natural hazard assessment matters to include consideration of how natural hazards may worsen over time due to climate change and the policies of the NZ Coastal Policy Statement in terms of acceptable levels of risk (refer to Section 3.8 above).

4.4.2 Request to Change Policies 11.2.1.5 and 11.2.1.6 to Refer to 'New' Activities

721. *The Oil Companies* requested that Policy 11.2.1.5 (OS634.64) and Policy 11.2.1.6 (OS624.65) be amended to refer to 'new' activities.
722. The Reporting Officers stated that these policies, along with Policies 11.2.1.1 and 11.2.1.2 refer to 'the establishment of' activities, which implies that they are only relevant to new activities as existing activities would already be established. However, they considered this to be a drafting error as the 2GP applies to new activities, or the extension of existing activities beyond what is enabled through existing use rights. They stated that the word 'new' is only used in the 2GP to provide clarification between 'new buildings' versus 'additions or alterations to buildings' in some circumstances (s42A Report, Section 4.2.3, p.117).
723. They recommended that the submissions of the *Oil Companies* be rejected, but that the policies be amended to remove reference to 'the establishment of', so that it is clear these policies refer to both new activities, and extensions of existing activities that cannot rely on existing use rights.

4.4.2.1 Decision and Reasons

724. We reject the submission of the *Oil Companies* for the reasons provided by the Reporting Officers above.

725. We adopt the relief recommended by the Reporting Officers to amend policies 11.2.1.1 and 11.2.1.5 (noting that policies 11.2.1.2 and 11.2.1.6 have been removed due to another decision in this report, see Section 3.6.2) to remove the words 'the establishment of' to make it clear that the provisions apply to both new activities and the extension of existing activities. Consequentially, we remove the wording 'new' from Rule 11.7.2.1, as well as from the introductions to the activity status tables (rules 15.3.2, 16.3.2, 17.3.2, 18.3.2, 19.3.2, 20.3.2, 22.3.2, 24.3.2, 31.3.2 and 33.3.2). While this change is not within the scope of *the Oil Companies* submission, we believe this amendment can be made within the scope of OS908.3 (the *ORC* submission seeking consistent wording throughout the 2GP), as there is little risk of prejudice in making this change as it provides clarification to the policy wording rather than a substantive change that affects the operation of any rules.

4.4.3 Request to remove the Requirement for all Potentially Sensitive Activities to Demonstrate a Critical Operational Need

726. The *Oil Companies* (OS634.115) sought to amend Policies 11.2.1.2 and 11.2.1.6 to remove the requirement for all Potentially Sensitive Activities to demonstrate a critical operational need to locate within the Hazard 2 Overlay Zone. The submitter stated that it may be that activities having a critical operational need to locate within a hazard risk area are more acceptable, even if the risk associated with being in that location is higher than might otherwise be considered acceptable. However, the submitter considered that the need to satisfy the policy test was unreasonable and had the potential to render land incapable of reasonable use, contrary to s85 of the RMA.
727. The Reporting Officers agreed with the submitter that the policy test was too high, noting that Policy 11.2.1.6 was more stringent than that for Sensitive Activities, and recommended that policies 11.2.1.2 and 11.2.1.6 be amended. They considered that the requirement to meet both clauses a and b was too onerous, in that any activity seeking to establish would have to prove that they had a critical operational need to locate within a Hazard 2 Overlay Zone *and* that the risk was no more than low (s42A Report, Section 4.2.3, p. 118).

4.4.3.1 Decision and Reasons

728. We accept, in part, the submission of the *Oil Companies* for the reasons provided above by the submitter and Reporting Officers.
729. We consider that it is appropriate in a Hazard 1 (flood) Overlay Zone that a Potentially Sensitive Activity be avoided unless the risk is no more than low *and* the activity has a critical operational need to locate there, due to the nature of the risk in these areas. We note that the extent of the Hazard 1 (flood) Overlay Zone is limited, being largely confined to river floodways and ponding areas.
730. We consider that in a Hazard 2 (flood) Overlay Zone the same threshold need not apply as the risk is less, in order that a Potentially Sensitive Activity only be allowed if the risk is no more than low *or* the activity has a critical operational need to locate there and risk is minimised as far as practicable.
731. We note that as a result of recommended amendments to the 'change to activity status tables' to not differentiate between Potentially Sensitive Activities permitted in the underlying zone or not (refer Section 3.6.2 of this Decision), that Policy 11.2.1.2 has been merged with Policy 11.2.1.1, and Policy 11.2.1.6 has been merged with Policy 11.2.1.5.
732. These amendments are shown in Appendix 1 and attributed to submission points NH634.74 and others.

4.5 Rule 11.3.1.2 (Dune System Mapped Area)

733. The *Otago Peninsula Community Board* (OS588.21) submitted on Rule 11.3.2.2 as it considered it makes no mention of dune conservation activities such as dune fences, boardwalks or eco-tourism activities. As such, they requested that the rule be amended to allow for dune conservation activities.
734. The Reporting Officers noted that although the submission was on Rule 11.3.2.2, that the submitters concerns were related to Rule 11.3.1.2 which specifies that new buildings and structures, and addition and alterations, are non-complying activities in a dune system mapped area except for relocatable surf lifesaving buildings or natural hazard mitigation activities.
735. The Reporting Officers recommended that Rule 11.3.1.2 be amended to provide for conservation and public access structures which would enable eco-tourism (s42A Report, Section 5.3, pp. 139-140). In their revised recommendations they made some amendments to the wording proposed in the s42A Report in regard to the rule structure, as the rule incorrectly listed activities when it was setup to control buildings and structures, and additions and alterations.

4.5.1 Decision and Reasons

736. We accept the submission of the *Otago Peninsula Community Board* and make amendments to Rule 11.3.1.2 in order to provide for conservation activities and public access. However, we consider that this needs to be restricted to activities provided for as part of a conservation management strategy, conservation management plan or reserve management plan, in order that they are undertaken in an appropriate manner as otherwise the allowable structures could be very broad.
737. In order to ensure that the submission of the *Otago Peninsula Community Board* is appropriately addressed, we also amend Rule 11.3.1.2 to provide for buildings and structures used for wildlife conservation. We consider this amendment will help to address the issues raised in the *Yellow-eyed Penguin Trust* submission, which was addressed at the Natural Environment hearing, including in evidence presented by submitters to that hearing (OS690.12). We note that the amendments differ slightly to those recommended by the Reporting Officers, but considered that providing for 'lawfully established rural tourism' was too wide ranging, and using the terminology 'wildlife conservation' better provided for a range of conservation activities. These amendments are shown in Appendix 1 and attributed to submission points NH588.21 and NH690.12.
738. Furthermore, we have amended Policy 11.2.1.11 to allow consideration of buildings and structures that have "an operational need to locate there" for any consent conditions, this will allow other buildings and structures of concern to the community board to be assessed on a case by case basis. This is attributed to NH 690.12. We have also made a consequential amendment to assessment Rule 11.7.3.2, which paraphrases this policy.
739. We also amend Rule 11.3.1.2 to align it with our decision that the relocatable buildings rule only applying to certain residential buildings, in order that the exemptions in Rule 11.3.1.2 apply to all buildings, not only those that are relocatable. This amendment is shown in Appendix 1 and attributed to submission point NH73.4 and others.
740. Further, we consider that amendments are also required to the rule to remove the exemption for natural hazard mitigation activities, as the rule relates to buildings and structures, not activities. Therefore, natural hazard mitigation activities are not actually caught by the rule. This amendment is shown in Appendix 1 and attributed to NH cl.16.

4.6 Rule 11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones and Dune System Mapped Areas

4.6.1 Requests regarding exemptions in Rule 11.3.2.1

741. *KiwiRail Holdings Limited* (OS322.98) and *Aurora Energy Limited* (OS457.59) supported the rule and sought that it be retained in so far as they sought exemption for maintaining existing network utilities. *KiwiRail Holdings Limited* (OS322.98) was supported by *Powernet Limited* (FS2264.16). *Geoff Scurr Contracting Limited* (FS2391.125 and .126) opposed both original submission points as they considered that supporting those provisions unnecessarily restricted normal farming practice.
742. On the other hand, *Jill Hamel* (OS196.3) requested that the rule be amended by removing exemptions in 11.3.2.1 a, b and c to make the rule tighter, and by removing the wording 'per calendar year'. The submitter owns a property in a land instability overlay zone and considered that fences, tracks and drains that are formed by scraping off or spraying vegetation cover can easily cross vulnerable points, such as where the aquifer within the geological formation mapped as Green Island Loose Sand reaches the surface, throwing water on to the surface, which on slopes over 12 degrees can easily initiate slips. This submission point was opposed by *Aurora Energy Limited* (FS2375.22) in so far as it sought to remove the current exemption provided for maintaining existing utility activities, which will affect Aurora's ability to maintain the operational efficiency of its network and to remove potential fire risks.
743. The Reporting Officers noted the concerns raised by *Jill Hamel*, but considered that Rule 11.3.2 provides an appropriate balance between protection (limiting the amount of vegetation clearance on unstable or potentially unstable land), and allowing a certain minor level of development. They did not agree that the reference to 'per calendar year' should be deleted, as this part of the rule recognises the dynamic nature of vegetation and did not recommend any amendments to the rule as a result of the above submissions (s42A Report, Section 5.4, pp. 146-147).
744. However, the Reporting Officers noted that there was a minor wording error in Rule 11.3.2.2.c whereby the rule only refers to 'utilities' which is not defined, rather than 'network utilities' which is defined. As such, they recommended correcting this error.

4.6.1.1 Decision and reasons

745. We reject the submission by *Jill Hamel* for the reasons provided by the Reporting Officers, but amend Rule 11.3.2.2.c (now Rule 11.3.2.4.c) to correct the minor wording error as recommended by the Reporting Officers in order to ensure clarity and consistency in the Plan. This amendment is shown in Appendix 1 and attributed to submission point NH457.59.

4.6.2 Requests for amendments to Rule 11.3.2.2 to allow non-indigenous vegetation for dune planting

746. *Otago Peninsula Community Board* (OS588.22) considered that the rule did not take into account the use of existing non-indigenous vegetation for dune planting that currently dominates dune systems throughout the city. As such, they requested that the rule be amended to allow for dune conservation activities and that exemption 2.a is expanded to include the planting of non-indigenous species.
747. The Reporting Officers considered that vegetation clearance should be enabled to allow for replanting that contributes to dune stabilisation and noted that as the submitter has pointed out, much of Dunedin's dune systems are already dominated by non-indigenous vegetation. They, therefore, recommended that Rule 11.3.2.2 be amended to enable removal of existing non-indigenous vegetation where it is replaced by non-indigenous planting that contributes to dune stabilisation (s42A Report, Section 5.4, p.147).

4.6.2.1 Decision and reasons

748. We accept in part the submission of the *Otago Peninsula Community Board*. We consider that our decisions on Rule 11.3.2 discussed in Section 3.16 above assist to address the submitters' concerns. However, we note that as a result of these decisions that the specific wording recommended by the Reporting Officers above has not been included in Rule 11.3.2.
749. We note that Rule 11.3.2 does not prevent the planting of non-indigenous vegetation in a Dune System Mapped Area.

4.6.3 Request for clarification of 11.3.2.2.a – area planted must be not less than area cleared

750. The *ORC* (OS908.46) sought that it be clarified in Rule 11.3.2 that the area of replanting must be no less than the area cleared. They were supported by *Geoff Scurr Contracting Limited* (FS2391.41) who also considered that clarification was required.
751. The Reporting Officers noted that the *ORC* had also made a related request that 'conservation activity' be defined (i.e. is it authorised, and if so by who), and that this submission point was addressed in the Rural Zone s42A Report.
752. The Reporting Officers agreed that the rule as written was not clear that the area to be cleared is limited to that which is necessary or directly tied to the activity to which the exemption is given, and recommended amending the rule to clarify this, not only for conservation but for all the exemptions in the rule (s42A Report, Section 5.4, p. 148).

4.6.3.1 Decision and reasons

753. We reject the submission by *ORC* (OS908.46) and the advice of the Reporting Officer, for the requested amendment to limit the rule to what is 'necessary' for the activity is clearly out of scope.

4.7 Provisions Related to Storage of Hazardous Substances

754. Policy 11.2.1.7 states:
"Only allow large quantities of hazardous substances in hazard 1 and 2 overlay zones where they are stored in a manner that ensures risk from natural hazards is avoided, or is no more than low."
755. *Federated Farmers of New Zealand* (OS919.44) sought that Policy 11.2.1.7 be amended to only apply to permanent and semi-permanent storage of large quantities of hazardous substances in Hazard 1 and 2 Overlays Zones. The submitter supported the intentions behind the policy but considered the restrictions set the bar very low, in that it may unnecessarily capture temporary activities.
756. The Reporting Officers stated that at the Public Health and Safety hearing there was strong evidence from a number of submitters which questioned the approach of managing hazardous substances in the 2GP because in many instances the effects are adequately managed under the Hazardous Substances and New Organisms Act 1996 (HSNO) (s42A Report, Section 5.10, p. 187). As part of the revised recommendations at that hearing the Public Health and Safety Reporting Officer generally agreed with the evidence presented at the hearing and recommended that a programme of work be undertaken which better addressed the potential situations where additional controls (beyond HSNO) are required in the 2GP, noting that the Quality Planning Guidance document, *Plan Topics Managing Hazardous Substances 2013* (Ministry for the Environment) provides guidance on this.

757. In terms of natural hazards and their effect on hazardous substances and facilities, the Public Health and Safety Reporting Officer stated that consideration would be required on the type of natural hazard (for example flood or land instability) and whether the different types of hazardous substances are adequately managed by HSNO or whether additional 2GP provisions were necessary in certain instances. Essentially, this meant that the hazardous substances provisions, including the interface with natural hazards, and related policies and rules, would change.
758. The Natural Hazards Reporting Officers were unable to make a recommendation on the submission.

4.7.1 Decision and Reasons

759. In the Public Health and Safety decision (Section 3.2.4) we have recorded that a separate plan change process should be undertaken to consider where in the district the new Health and Safety at Work (HSW) Act Hazardous Substances Regulations and Hazardous Substances Properties Control Notices are sufficient (and not sufficient) to manage the environmental effects of hazardous substances.
760. We have therefore decided that as an interim measure Rule 9.3.4 Hazardous Substances Quantity Limits and Storage Requirements, and Appendix A6 should be retained, with some amendments. These amendments are deleting the hazardous substances provisions in the Industrial and Port zones of the 2GP in their entirety, and relying entirely on the HSW Act Hazardous Substances Regulations 2017 and the Hazardous Substances Properties Control Notices in these zones. This is subject to the provisions remaining for Industrial Zones which contain a natural hazard overlay. We note that there is no natural hazard overlay for the Port Zone.
761. It is therefore necessary to retain Policy 11.2.1.7 for assessing contravention of Rule 9.3.4. We reject the submission of *Federated Farmers of New Zealand* to amend Policy 11.2.1.7 to refer to only permanent or semi-permanent storage, as any storage above the limits allowed could result in adverse effects if not appropriately managed, as the amount of time that they are stored is irrelevant (e.g. a flood could occur while 'temporary storage' is being undertaken).
762. We note that the following are exempt from the hazardous substances quantity limits in the rural and rural residential zones:
- the storage and use of agrichemicals in accordance with NZS8409:2004
 - the storage and use of class 3 fuels in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-Ground Fuel Storage on Farms, September 2010
 - the storage and use of fertiliser in accordance with the following:
 - Fertiliser (Corrosive) Group Standard HSR002569
 - Fertiliser (Oxidising) Group Standard HSR002570
 - Fertiliser (Subsidiary Hazard) Group Standard HSR002571
 - Fertiliser (Toxic) Group Standard HSR002572
 - Fertiliser Research's Code of Practice for Nutrient Management 2007.

4.7.2 Provisions Related to Subdivision

763. As explained in the s42A Report, in order to implement Objective 11.2.1, the 2GP also manages the level of exposure to risk through requiring consideration of risk at the time of subdivision, and policies and assessment matters relating to subdivision that effectively discourage a large increase in development in these areas. The provisions that do this are as follows.
764. Policy 11.2.1.13, which reads:

"In the Hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, only allow subdivision activities that will only result in a

minimal increase in development potential for sensitive activities or potentially sensitive activities”.

765. Policy 11.2.1.12, which reads:
“In all hazard overlay zones, or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard (including but not limited to a geologically sensitive mapped area (GSA)), only allow earthworks - large scale or subdivision activities where the risk from natural hazards, including on any future land use or development, will be avoided, or no more than low”.
766. Assessment Rules 11.5.2.8 and Rule 11.5.2.9, the assessment guidance for subdivisions, reference these policies. Pursuant to section 106 of the RMA, subdivision consent may be refused because of natural hazards.
767. The *Department of Conservation* (OS949.25 and OS949.26) sought that Policy 11.2.1.13 and consequentially Rule 11.5.2.8.ii be amended to be consistent with the NZCPS which requires that activities within coastal hazard risk areas avoid increasing the risk of adverse effects. They were supported by *Forest and Bird NZ* (FS2482.44 and FS2482.45) who considered that subdivision and buildings should not be allowed to result in adverse effects in the coastal and flood hazard overlay zones, where hazards may worsen over time.
768. *The Property Council New Zealand* (OS317.5) sought that Policy 11.2.1.13 be removed and questioned how DCC will determine which hazards will worsen over time due to climate change. It considered that including all Sensitive Activities and Potentially Sensitive Activities, and subdivision development activities could be stopped over South Dunedin and large tracts of CBD land, which they stated conflicts with the 2GP strategic direction of “Vibrant CBD and centres”.
769. *Harborough Properties Limited* (OS866.5), *McKeown Group Limited* (OS895.11) and *PS & MJ Thomson* (OS950.6) sought that Policy 11.2.1.13 be removed as they considered the s32 and associated documents regarding the Hazard 3 (coastal) Overlay Zone were deficient, and that the policies and rules imposed significant cost on landowners that seemed to be out of kilter with the risk posed.
770. The Reporting Officers noted that as subdivision always needs resource consent, the policy was only setting up consideration of natural hazards (noting that the RMA requires it anyway). However, they recommended that amendments to the policy were required because as drafted the policy did not set out an acceptable outcome in terms of effects management; rather it referred to an outcome in terms of a level of consequential development that may result from subdivision (s42A Report, Section 5.11, p. 190).
771. The Reporting Officers’ recommended amendments to Policy 11.2.1.13 would require decisions makers to consider the purpose of the subdivision and the future development proposal or potential, requiring them to consider whether Policies 11.2.1.1 – 11.2.1.12 (which include the policy test of avoided or no more than low) would be met by that future development at the time of subdivision, and impose any conditions at the time of subdivision in order to ensure that future development that may itself be then permitted by the Plan would meet the policies.

4.7.3 Decision and Reasons

772. We accept, in part, the submissions to amend the policy and reject the submissions to remove it. We agree with the relief recommended by the Reporting Officers for the reasons detailed above, as the proposed amendments will assist to address the submitters’ concerns (subject to minor wording amendments to the assessment criteria for consistency with the amendments recommended to the policy). The amendment better allows for evaluation at the time of obtaining consent, even if the area is not identified as a natural hazard in the 2GP. This amendment is shown in Appendix 1 and attributed to submission point NH 634.69 and 949.25.

773. In reviewing Policy 11.2.1.13 we realised that there was duplication between this policy and Policy 11.2.1.12. Policy 11.2.1.13 is area specific regarding subdivision, whereas Policy 11.2.1.12 is generic regarding subdivision and earthworks, and does not follow the normal protocol for subdivision policies which are usually about future development. We note our decision in Section 3.14 above regarding amendments to Policy 11.2.1.12 in regard to earthworks provisions.
774. As such, we amend Policy 11.2.1.12 to remove reference to subdivision (meaning it becomes an earthworks-specific policy) and amend Policy 11.2.1.13 to become a subdivision specific policy to avoid duplication and improve interpretation of the Plan. Consequential amendments are required to assessment matters. These amendments are shown in Appendix 1 and attributed to submission point NH cl.16.
775. As discussed in Section 3.14 above the *Oil Companies* (OS634.69) sought that Policy 11.2.1.12 be amended to only apply to land where the DCC had done the work to identify a specific natural hazard risk. We accepted this submission point in regard to Earthworks – Large Scale for the reasons discussed in Section 3.14 above. However, in regard to subdivision, the RMA (section 106) states that a consent authority may refuse to grant subdivision consent, or may grant subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards. We, therefore, consider it appropriate to retain the terminology from Policy 11.2.1.12 'or in any other area that the DCC has good cause to suspect there may be a risk from a natural hazard' in the new subdivision policy (11.2.1.13), but with amendment from 'good cause to suspect' to 'information to suspect'. The wording is then removed from Policy 11.2.1.12 so that it no longer references subdivision activities and becomes specific to earthworks. This amendment is shown in Appendix 1 and attributed to submission point NH634.69.
776. We note that we have amended the natural hazard assessment matters to include consideration of how natural hazards may worsen over time due to climate change and the policies of the NZ Coastal Policy Statement in terms of acceptable levels of risk including in response to the submissions from the *Department of Conservation* above (see Section 3.8 above).

4.8 Note to Plan Users Including Guidance on Existing Use Rights Applying to Land Use Activities in Hazard Overlay Zones

777. As notified, there was some discrepancy in the 2GP as to whether the provisions related to land use apply only to new activities or also expansion of existing ones. Policies 11.2.1.1, 11.2.1.2, 11.2.1.5 and 11.2.1.6 refer to establishment of Sensitive Activities and Potentially Sensitive Activities. However, the change in activity status rules just refers to Sensitive Activities and Potentially Sensitive Activities. The Reporting Officers recommended that this be corrected by deleting the word 'establishment' from the relevant policies.
778. The 2GP also includes 'Note to Plan User' that provides guidance on existing use rights applying to land use activities in hazard overlay zones.
779. *Federated Farmers of New Zealand* (OS919.152) supported the guidance and requested that the note be retained. *The Oil Companies* (OS634.81) supported the intent of the note but considered that it lacked clarity and required amendment to improve its meaning. The submitter suggested amending Notes 15.3A, 16.3A, 17.3A, 18.3A, 19.3A and 20.3A (guidance on existing use rights in hazard overlay zones) by adding the following:
- "1d. Accordingly, in the above circumstances, alterations to, and redevelopment of, existing sensitive and potentially sensitive activities will not trigger the provisions in rows 1-2 in the above table."
780. The Reporting Officers agreed with *the Oil Companies* that an amendment may help to clarify the provision, but recommended simpler wording than that requested

adding 2. Accordingly, these activities will not usually trigger the provisions in rows 1-3 in the above table (s42A Report, Section 6.3, p. 221).

4.8.1 Decision and Reasons

781. We accept in part the submission of *the Oil Companies* (OS634.81) and agree with the relief recommended by the Reporting Officers for simplicity, in order to clarify the intent of the note. We therefore make the following amendments (shown in Appendix 1 and attributed to submission point NH634.81):
- Amend all notes to plan users that provide guidance on existing use rights applying to land use activities in hazard overlay zones, including; 15.3C (now 15.3.6A), 16.3A (now 16.3.6A), 17.3A (now 17.3.6.A), 18.3A (now 18.3.8A), 19.3A (now 19.3.6A), 20.3A (now 20.3.6A), 22.3A (now 22.3.6A), 24.3A (now 24.3.6A), 31.3A (now 31.3.6A) and 33.3A (now 33.3.6A).

4.9 Request to Combine Rules 11.4.2 and 11.5.2

782. Rule 11.4 is an assessment rule that applies to all performance standard contraventions that require restricted discretionary resource consent. Rule 11.5.2 is an assessment rule that applies to all activities which require restricted discretionary consent. These rules list the matters that the DCC will restrict its discretion to and provides guidance on how a consent application will be assessed.
783. *Port Otago Limited* (OS737.10) and *Chalmers Properties Limited* (OS749.10) sought that Rules 11.4.2 and 11.5.2 be combined to provide suitable assessment criteria, reduce repetition and provide clarity on the applicable assessment criteria. The submitters considered that the criteria provided to enable assessment of departures from permitted activity conditions relating to minimum floor levels and relocatable buildings were unclear and seemed to be duplicated across the rules. Further, they stated that the criteria require that buildings are relocatable (11.4.2.4 and 11.4.2.7) which is not considered suitable for an application specifically seeking to depart from this requirement.
784. *Port Otago Limited's* submission (OS737.10) was opposed by *Kristine Nicolau* (FS2421.6), who opposes all *Port Otago Limited* submission points due to lack of consultation with Careys Bay residents. *Port Otago Limited's* submission (OS737.10) was supported by the *Oil Companies* (FS2487.52) who supported the intent to reduce repetition and provide clarity on applicable assessment criteria.
785. The Reporting Officers considered that it was inevitable there would be some overlap in consideration between activities of different activity statuses in terms of how they are assessed around the same topic/objective, such as with natural hazards e.g. Rules 11.4.2.1.iv and 11.5.2.1.a.iii provide "general assessment guidance" on assessing the appropriateness of mitigation measures (other than the performance standards) (s42A Report, Section 6.4, p. 224). This is relevant for both restricted discretionary activities (performance standard contraventions) and restricted discretionary activities.
786. They stated that as Rule 11.4.2 assesses contravention of performance standards and Rule 11.5.2 assesses activities requiring consent, they serve different purposes and the combination of these two rules was not appropriate and would be inconsistent with the 2GP structure. However, the Reporting Officers agreed that the relationship between the rules could be improved, and recommended amendment to Rule 11.5.1 to clarify that where restricted discretionary consent is required for an activity (and that activity also contravenes performance standard(s)) then both sets of rules apply as relevant.

4.9.1 Decision and Reasons

787. We accept the submissions, in part, and agree with the relief recommended by the Reporting Officers for the reasons detailed above. This amendment is shown in Appendix 1 and attributed to NH cl.16.
788. We note, in terms of minimum floor levels, our decision is to remove these provisions from the Plan and rely on the Building Act to manage this aspect.
789. With respect to the guidance on Relocatable Buildings, we agree that the policy wording guidance is not helpful as drafted and refer to our decision in Section 3.11 of this Decision Report to amend this wording.

4.10 Dune System Mapped Area

790. As discussed in the s42A report, Dunedin's coastline was identified as being susceptible to a number of coastal hazards in the report, *Coastal hazards of the Dunedin City District, 2014*, including inundation, effects of sea level rise and potential changes to the morphology of the shoreline over the next 100 years. As dune systems naturally buffer land from coastal processes and often play a critical role in mitigation natural hazards, they were included in the 2GP as Dune System Mapped Areas.
791. The report explains that Dune System Mapped Areas were not intended to cover residentially zoned properties and to largely only cover DCC or DoC land, due to the high level of restrictions proposed and the large amount of feedback received on these mapped areas during the 2GP Natural Hazards Preferred Options consultation in 2014.
792. The *Dunedin City Council* submission (OS360.166) requested that the Dune System Mapped Areas be removed from some residentially zoned properties as these were included in error. This submission was supported by *Te Ewi Mihaka* (FS2052.1).
793. *George McIntosh* (OS136.1) and *William McLean* (OS758.1) requested that properties in the Dune System Mapped Area, identified as an error in the *Dunedin City Council* submission, be removed from the mapped area due to the geology of the properties.
794. *Timothy Morris* (OS951.54) and Timothy Morris on behalf of *RG and SM Morris Family Trust* (OS1054.54) requested that the Dune System Mapped Area at Sandfly Bay, Otago Peninsula, be adjusted by removing and including some areas of land.
795. The Reporting Officers recommended that all the submissions be accepted and that the mapped area be amended as requested. They also noted that, as a result of these and other submissions, a general review of the Dune System Mapped Area was undertaken which identified that the Dune System Mapped Areas at Boulder Beach, Allans Beach, Victory Beach, Whareakeake (Murderer's Beach), and Purakaunui were extensive and could be reduced in area, given the high level of restrictions proposed (s42A Report, Section 7.5.2, p. 340).
796. The Reporting Officers considered that these reductions would still ensure that the main dune systems were managed, but provide a better balance between protection and development for the rest of the areas, given that a number of these are in private ownership.

4.10.1 Decision and Reasons

797. We accept the submissions to amend the Dune System Mapped Area, and agree with the relief recommended by the Reporting Officers. In regard to the changes as a result the general review of the Dune System Mapped Area, we agree with these and the changes are made pursuant to clause 16.

5.0 Minor and inconsequential amendments

798. 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.
799. 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
800. 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 2GP (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 – Joint Conferencing Statement between ORC and
DCC on Prohibited Activity Status for Hazard 1 (flood)
Overlay Zones**

BEFORE THE PROPOSED DUNEDIN CITY DISTRICT PLAN HEARINGS PANEL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Second Generation Dunedin City District
Plan

Section 11 – Natural Hazards

EXPERT WITNESS CONFERENCING STATEMENT

19 October 2017

1. INTRODUCTION

- 1.1 This signed expert witness conferencing statement is written in response to the Hearing Panel's verbal direction on 3 May 2017 to undertake conferencing.
- 1.2 The Hearing Panel directed the planning experts representing the Otago Regional Council (**ORC**) and Dunedin City Council (**DCC**) to undertake expert witness conferencing with respect to the relief sought by the ORC (OS908.37) to amend Rule 16.3.6 (change to activity status in hazard overlay zones) so that sensitive activities in Hazard 1 (flood) Overlay Zones on the Taieri Plains in the Proposed Second Generation Dunedin City District Plan (**2GP**), be prohibited activities instead of non-complying activities. ORC considered that the characteristics of the flood hazard in these areas (e.g. depth, flow, duration, frequency, isolation of community) mean that additional sensitive development is not appropriate.
- 1.3 The ORC's request was opposed by BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd (FS2487.37) who considered prohibited activity status to be very restrictive and would preclude the establishment or expansion of a sensitive activity in exceptional circumstances.
- 1.4 Expert witness conferencing took place on Thursday 11th May 2017 commencing at 2.00pm, Tuesday 30th May 2017 commencing at 4.00pm, Wednesday 5th July 2017 commencing at 1.30pm and Thursday 5th October at 10.45am. The following planning experts were in attendance:
- Paul Freeland, Dunedin City Council
 - Sarah Valk, Dunedin City Council
 - Fraser McRae, Otago Regional Council
 - Warren Hanley, Otago Regional Council
- except for 30th May where Mr McRae was absent.
- 1.5 Maps of the Hazard 1 (flood) Overlay Zones that were the subject of conferencing are attached as **Appendix 1**, and are referred to in accordance with the report *Flood Hazard on the Taieri Plain and Strath Taieri*, Revision 1 (ORC, August 2015) and ORC's submission on the 2GP.
- 1.6 The expert witnesses have not reached full agreement on the extent of the Hazard 1 (flood) Overlay Zones where prohibited activity status for sensitive activities is appropriate.

1.7 In attending and undertaking expert witness conferencing the experts have read, and agreed to comply with, the Environment Court Code of Conduct for Expert Witnesses (Consolidated Practice Note 2014).

2. AREAS OF AGREEMENT/DISAGREEMENT

2.1 The following table outlines the areas of agreement/disagreement between the experts on the appropriate activity status for the relevant hazard areas.

Area	Position
Henley (Area 9)	Agreement on non-complying activity status. Potential future plan change for this area.
Lower Taieri floodway and river berms (Area 10)	Agreement on prohibited activity status.
Lower Taieri floodway and river berms (Area 11)	Agreement on prohibited activity status, excluding the following areas which are agreed to remain non-complying: <ul style="list-style-type: none"> • the 'gullies' on the true left of the Taieri River downstream of Allanton • the Township and Settlement Zone at Allanton • an area of land near Outram on the true left of the Taieri River which was only included in the Hazard 1 (flood) Overlay Zone via revised recommendation mapping. These exclusions are shown in Appendix 2 .
East Taieri Upper Pond (Area 12)	Agreement on prohibited activity status.
Upper Pond ring bank (south) (Area 13B)	Agreement on non-complying activity status.
North Taieri floodway - Gordon Road spillway (Area 14B)	Disagreement on activity status. DCC proposes non-complying activity status pending a potential future plan change.

	ORC disagrees with non-complying activity status and proposes that sensitive activities should be prohibited in the Gordon Road spillway area.
North Taieri floodway at Dukes Road North (Mill Creek diversion) (Area 14B)	Agreement on non-complying activity status.
North Taieri floodway at Stedman Road (railway embankment) (Area 14B)	Agreement on non-complying activity status.
East Taieri Lower Pond (Area 17)	Tentative agreement on non-complying activity status. ORC acknowledge DCC's reasoning for non-complying activity status, but considers occupants need to be made aware of the risk.
South of Owhiro Stream (Area 18)	Agreement on prohibited activity status for the land on the north side of Gladstone Road South. Tentative agreement on non-complying activity status for the land on the south side of Gladstone Road South. ORC considers that occupants need to be made aware of the risk. This non-complying 'exclusion' is shown in Appendix 3 .

3. COMMENTS IN REGARD TO PARTICULAR AREAS

3.1 The following comments are made in regard to particular areas for the Panel's consideration.

3.2 General

DCC comments:

3.2.1 The ORC's request for prohibited activity status for sensitive activities in certain Hazard 1 (flood) Overlay Zones came through the submission process. Only one further submission was received on this submission (discussed in section 1 above). We consider that, in

general, residents of the Hazard 1 (flood) Overlay Zone areas would have been unaware of this request from the ORC in order to make a further submission, and note that DCC did not make the residents aware of this specific request (like was undertaken for rezoning requests). Therefore, for reasons of natural justice, we consider that in some instances it is inappropriate to apply a prohibited activity status now due to the implications of this activity status, and that a more appropriate course of action would be to undertake future plan changes in order to target consultation with the parties that would be affected.

ORC comments:

3.2.2 ORC's submission, and hearing appearance, provided clear evidence for its request that sensitive activities in specific areas be classified as prohibited rather than the non-complying activity classification the DCC notified.

3.2.3 ORC has advocated for some time that the flooding risk in specific areas is intolerable for sensitive activities, and continues to do so through policies in the Proposed Regional Policy Statement. ORC and DCC had, prior to the notification of the district plan, agreed to a principled-based approach to reducing risk. We consider this approach supports prohibiting sensitive activities in these areas.

3.2.4 ORC appreciates that where DCC disagrees with ORC's request for prohibited activity status, DCC expects ORC's concerns to be satisfied because a very high threshold level is still required to be passed for consenting a sensitive activity.

3.2.5 ORC believes that if the intent of this approach is to make consenting a sensitive activity very unlikely, then ORC asks is it not more appropriate to provide certainty by prohibiting those activities if there is a very high likelihood they would not be consented.

3.3 Henley (Area 9)

DCC comments:

3.3.1 While technically a prohibited activity status for sensitive activities may be appropriate for this area, for natural justice reasons we consider that imposing prohibited activity status now is unjust. Due to the number of residents in this area, we consider a future plan change would be the most appropriate method for considering prohibited activity status.

ORC comments:

3.3.2 ORC considers flooding events in this area clearly demonstrate a stronger planning response is necessary for proposed sensitive activities. ORC's understanding is that DCC

would prefer to bring the prohibited classification in under a future plan change as part of work with the Henley community. Therefore, ORC agrees to a non-complying classification for sensitive activities. ORC's agreement is with the expectation this future plan change will occur within the early life cycle of the 2GP.

3.4 Lower Taieri floodway and river berms (Area 10)

DCC comments:

3.4.1 The extent of this area requires alignment with the floodbank at the areas' southwestern extent, as it currently incorrectly aligns with the flood-free highway, which is lower than the floodbank. We consider that there is scope to make this minor amendment.

ORC comments:

3.4.2 The Lower Taieri floodway and river berms can expect some level of flooding annually, the most recent event being 21-22 July 2017 where this area was extensively flooded.

3.5 Lower Taieri floodway and river berms (Area 11)

DCC comments:

3.5.1 Agreement has been reached on prohibited activity status for this area, with some exclusions as discussed below.

3.5.2 The gullies on the true left of the Taieri River, downstream of Allanton, have different characteristics than the main floodway; water backs up and ponds from the Taieri River and water also enters the gullies from the hill catchments. The depth, velocity and duration of the flooding can be different in the gullies compared to the main floodway.

3.5.3 Areas of the Township and Settlement Zone at Allanton are included in the Hazard 1 (flood) Overlay zone (including gullies). Water also backs up in these areas due to the effect of the railway embankment adjacent the Taieri River. Further, there would be a reasonable expectation that development can be undertaken in the zone.

3.5.4 An area of land near Outram was not included in the notified 2GP mapping, but was included via the revised recommendation mapping. For reasons of natural justice we do not consider applying a prohibited activity status to this area of land to be appropriate, but would be better considered via a future plan change.

ORC comments:

- 3.5.5 ORC and DCC are in general agreement in respect to the flooding characteristics of this area as outlined above.
- 3.5.6 The Lower Taieri floodway and river berms can be expected to experience some level of flooding annually, the most recent event being 21-22 July 2017 where this area was extensively flooded.

3.6 East Taieri Upper Pond (Area 12)

DCC comments:

- 3.6.1 The extent of this area requires alignment with the ORC designation map, which is more accurate. We consider that there is scope to make this minor amendment.
- 3.6.2 This area is designed as a ponding area as part of the Lower Taieri Flood Protection Scheme; in essence it provides an area in which to take the peak out of a flood event in order to provide relief to the Taieri River downstream. This area begins to 'operate' when flows in the Taieri River at Outram equal or exceed approximately 800m³/s, which has been assessed as having a return period of 10 years. The area also receives water from overland flow (including Mill Creek) and from the Silverstream.
- 3.6.3 While we have agreed on prohibited activity status for this area, we do have some reservations as follows.
- 3.6.4 The northern extent of this area is determined by extrapolating the level of the flood bank crest adjacent to the Silverstream, indicating an area of potential maximum fill. At the northern extent of the area, flood depths could be shallower, and of limited velocity and duration. We note that on the northern extent of the area, most of the properties have areas outside of the Hazard 1 (flood) Overlay Zone – some of which have dwellings built outside of the hazard area and some of which do not contain dwellings.
- 3.6.5 Aside from land owned by ORC or the Department of Conservation, there are nine properties that are entirely within the hazard area that do not have an existing dwelling. Of these nine, seven of the properties have land areas in excess of 25ha, and so may have a reasonable expectation that they could build a dwelling.
- 3.6.6 Refer to **Appendix 4** for a map showing the Upper Pond and property/dwelling details.

ORC comments:

- 3.6.7 The East Taieri Upper Pond area defines a critically strategic area of the Lower Taieri Flood Protection Scheme, and is designed to flood. Being the Upper Pond, and due to a number of sources, it will collect flood waters early during an event such that during even moderate flood events the pond will experience significant flooding. This flooding can reach depths of up to 6 metres in certain areas and the pond may be flooded for up to several weeks.
- 3.6.8 ORC agrees that the extent of the Upper Pond should be aligned with the ORC designation map which is more accurate.

3.7 Upper Pond ring bank (south) (Area 13B)

DCC comments:

- 3.7.1 This area lies 'within' the East Taieri Upper Pond (Area 12) being separated from it by a floodbank. For this reason, as well as the slightly elevated nature of the land in this area, we consider non-complying activity status to be appropriate.
- 3.7.2 We note that access to this site is obtained via the East Taieri Upper Pond (Area 12), but that the nature of flooding in the Taieri catchment provides ample warning time for those currently residing in Area 13B to make an informed decision about whether to evacuate.

ORC comments:

- 3.7.3 The existing protection to this area is sufficient to reduce the likelihood of flooding. Therefore the characteristics of flooding in this area can be expected to be less significant to that of the East Taieri Upper Pond area.

3.8 North Taieri floodway at Gordon Road spillway (Area 14B)

DCC comments:

- 3.8.1 While a prohibited activity status for sensitive activities may be appropriate for a sub-set of this area, for natural justice reasons we consider that imposing prohibited activity status now is unjust. Due to the number of residents in this area, we consider a future plan change would be the most appropriate method for considering prohibited activity status.
- 3.8.2 Further, during the July 2017 flood event this area was subject to inundation. The ORC are currently in the process of collating and analysing data on the characteristics of the flooding in this area which would assist in determining a potential sub-set of this area where prohibited activity status might be appropriate. We consider that at this point in time, the

critical conveyance area is not defined as accurately as necessary in order to apply prohibited activity status.

ORC comments:

3.8.3 The Gordon Road spillway has a critical function in directing floodwaters through this area and over to the East Taieri Upper Pond area. It is difficult to determine a sub-set of conveyance as this can vary with the scale of a flooding event. Therefore ORC's position is that this function supports sensitive activities within this area as mapped being prohibited rather than non-complying.

3.9 North Taieri floodway at Dukes Road North (Mill Creek diversion) (Area 14B)

DCC comments:

3.9.1 This area is not a 'designed' feature of the ORC's Lower Taieri Flood Protection Scheme; however water does appear to pond in this area due to overland flow paths.

ORC comments:

3.9.2 While this area is not part of the ORC's Lower Taieri Flood Protection Scheme, ORC has recorded, observed and mapped flooding data for this area. While the extent of flooding can be more than moderate, the characteristics of flooding in the area do not warrant prohibited activity status for sensitive activities; non-complying activity status is appropriate.

3.10 North Taieri floodway at Stedman Road (railway embankment) (Area 14B)

DCC comments:

3.10.1 This area is not a 'designed' feature of the ORC's Lower Taieri Flood Protection Scheme, rather water appears to pond in this area, including due to the presence of the railway embankment preventing flow.

ORC comments:

3.10.2 While this area is not part of the ORC's East Taieri Flood Protection Management system, ORC has recorded observed and mapped flooding data for this area. While the extent of flooding can be more than moderate the characteristics of flooding in the area do not warrant prohibited activity status for sensitive activities, non-complying is appropriate.

3.11 East Taieri Lower Pond (Area 17)

DCC comments:

- 3.11.1 This area is designed as a ponding area as part of the Lower Taieri Flood Protection Scheme; in essence it provides an area in which to provide relief to the Taieri River downstream. This area does not begin to 'operate' until the East Taieri Upper Pond (Area 12) is full and flows in the Taieri River at Outram exceed 2,500m³/s which is assessed as having a return period of 100 years. The area also receives water from overland flow and the Owhiro Stream.
- 3.11.2 During the July 2017 flood event water did pond in this area; however there were issues with a pump station for this area which meant that water from the Taieri River was making its way into the area when it should not have. Further, there were portions of this area that were not subject to inundation during this flood event.

ORC comments:

- 3.11.3 ORC's position is that as with the Upper Pond area, it needs to be clearly understood that this area is designed to flood to its full mapped extent. The flooding characteristics in the Lower Pond can be expected to be similar to that of the Upper Pond.
- 3.11.4 ORC acknowledges that unlike the Upper Pond, there have been less recent instances of the Lower Pond filling to the extent of the Upper Pond. For this reason, ORC understands in terms of likelihood the DCC would prefer to classify sensitive activities as non-complying in this area. However, over a longer timeframe, there is evidence the Lower Pond has experienced significant flooding within the mapped extent.
- 3.11.5 Should non-complying status be applied to this area in the plan, and a sensitive activity is able to be established as a result, ORC would expect that at some time that activity would experience flooding.
- 3.11.6 Should any sensitive activity be established in this area, an appropriate planning mechanism should be applied that makes the land owner at any time aware that it cannot apply to the ORC for any relief due to flooding risk or actual adverse effects as a result of flooding.

3.12 South of Owhiro Stream (Area 18)

DCC comments:

- 3.12.1 Agreement has been reached on prohibited activity status for the land on the north side of Gladstone Road South for this area..

3.12.2 DCC considers that land on the south side of the railway embankment is likely to exhibit different characteristics to the rest of area 18 through which the Owhiro Stream passes directly through. This is partially due to the impact of the railway embankment and the source of flood water; on the south side of the railway embankment the majority of water is considered to be from overland flow, with the velocity, depth and duration of flooding likely to be lesser than that on the north side of the railway embankment.

ORC comments:

3.12.3 ORC accepts that the land on the north side of Gladstone Road South area should have prohibited activity classification applied. ORC considers that the land on the south side of Gladstone Road South exhibits the same characteristics as the Lower Pond.

3.12.4 Should non-complying activity status be applied to this area in the plan, and a sensitive activity is able to be established as a result, ORC would expect that at some time that activity would experience flooding.

3.12.5 Should any sensitive activity be established in this area, an appropriate planning mechanism should be applied that makes the land owner at any time aware that it cannot apply to the ORC for any relief due to flooding risk or actual adverse effects as a result of flooding.

4 OTHER MATTERS OF NOTE

4.1 If the Panel were to decide on prohibited activity status for sensitive activities in some Hazard 1 (flood) Overlay Zones, then amendments would be required to the 2GP maps and provisions as follows:

4.1.1 Application of a sub-set zone to the Hazard 1 (flood) Overlay Zone, e.g. Hazard 1A

4.1.2 Development of a prohibited activity status policy

4.1.3 Amendment to the 'change to activity status' table in the Rural Zone section of the 2GP to include prohibited activity status

4.1.4 Other consequential amendments to plan provisions.

5 SIGNED

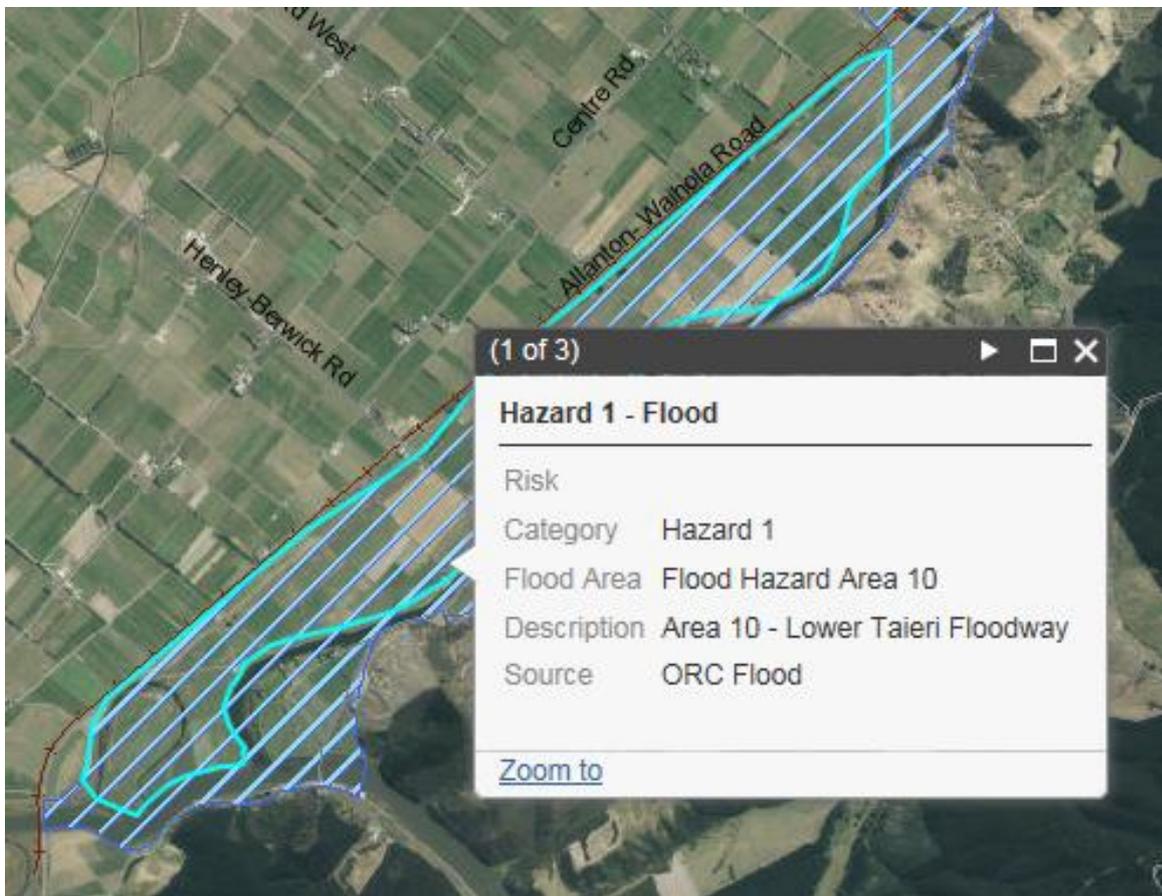
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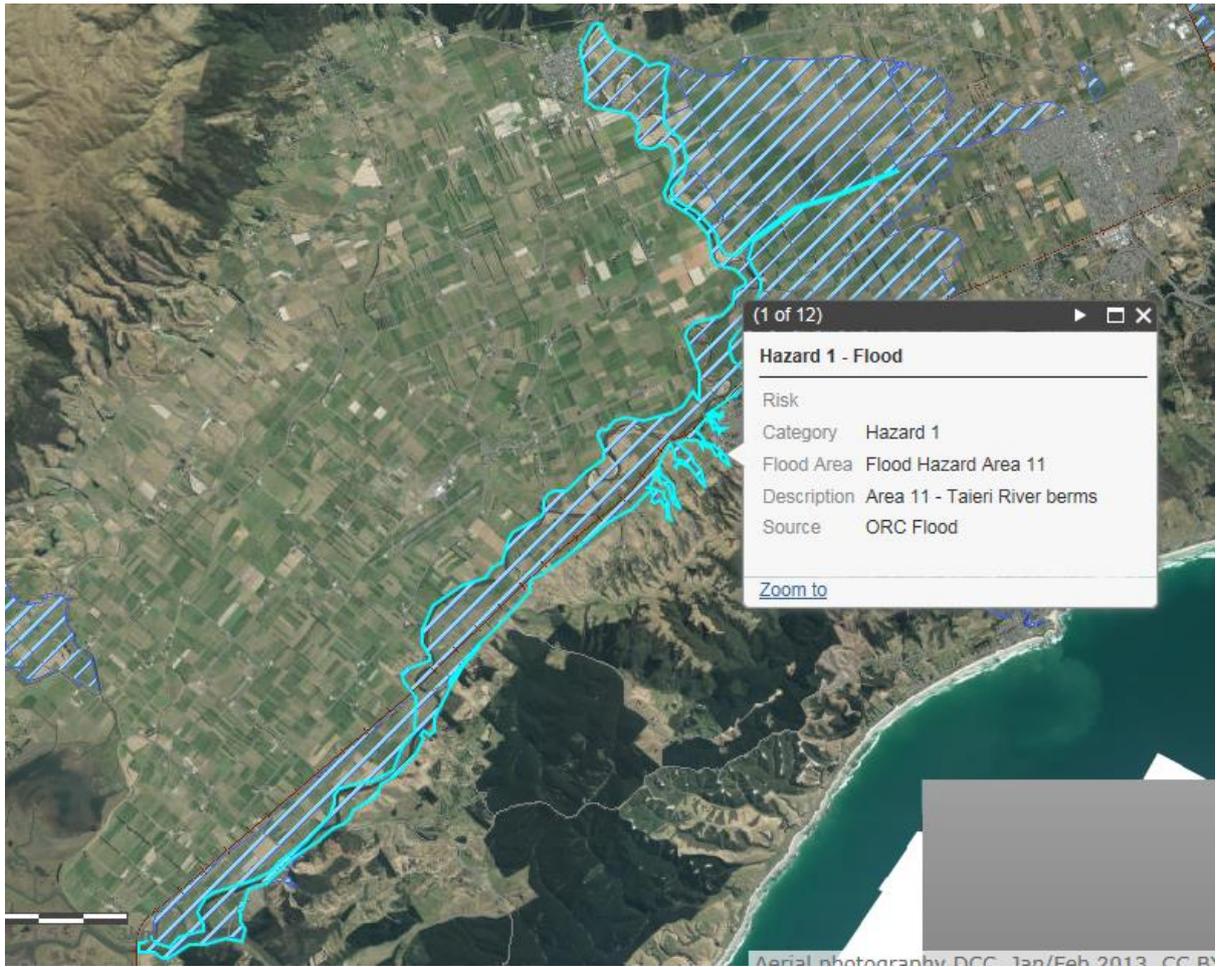
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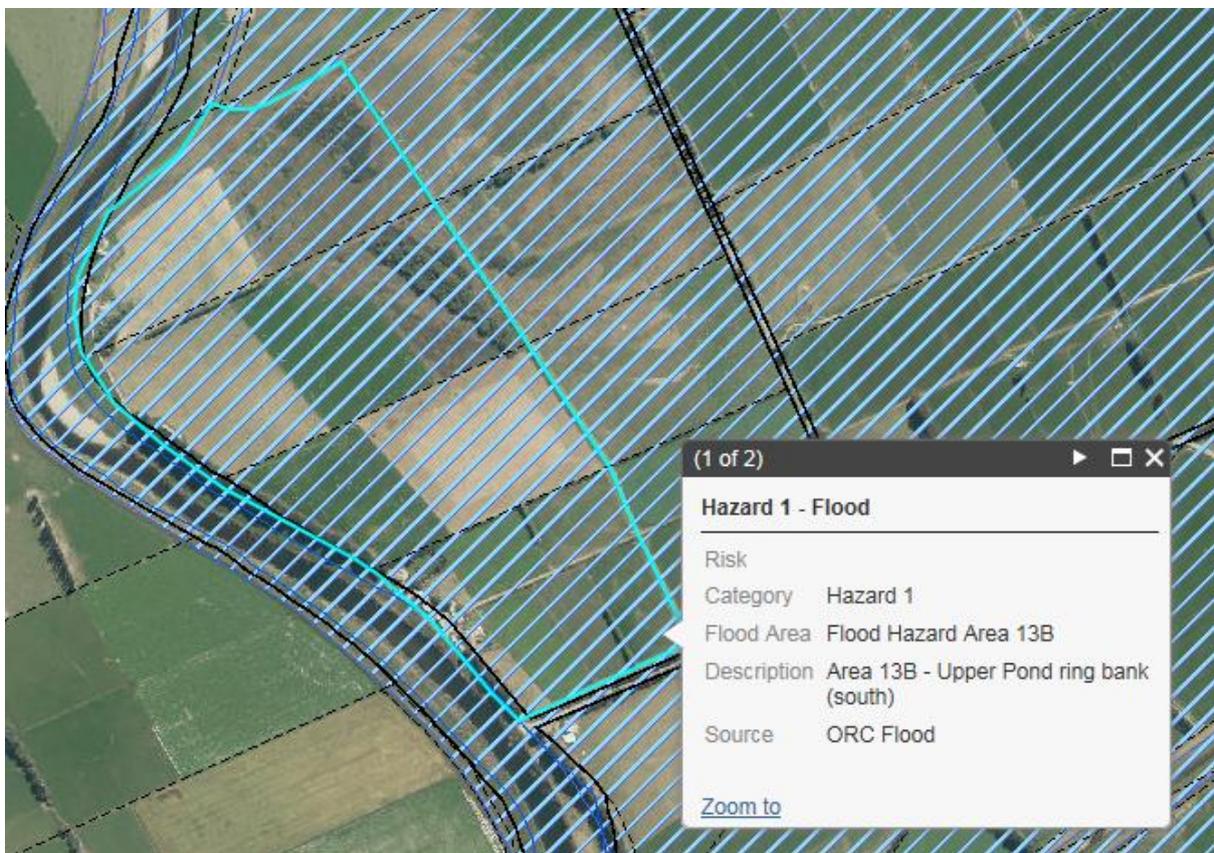
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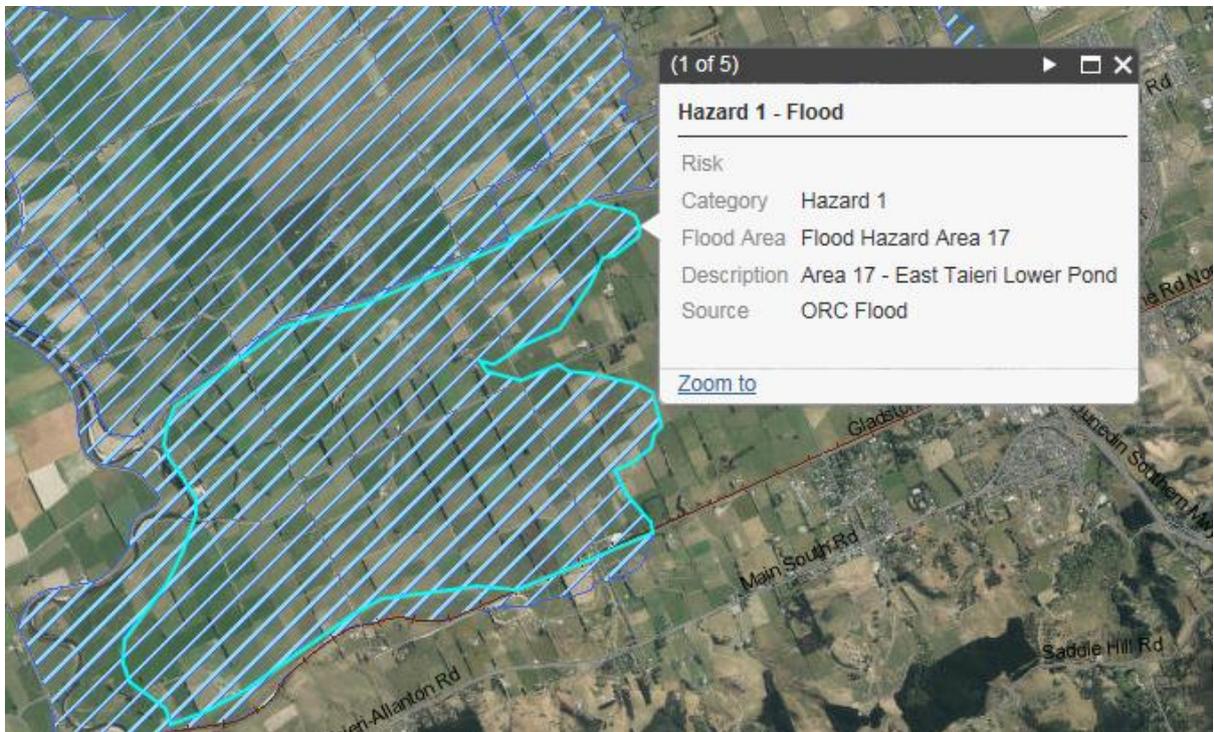
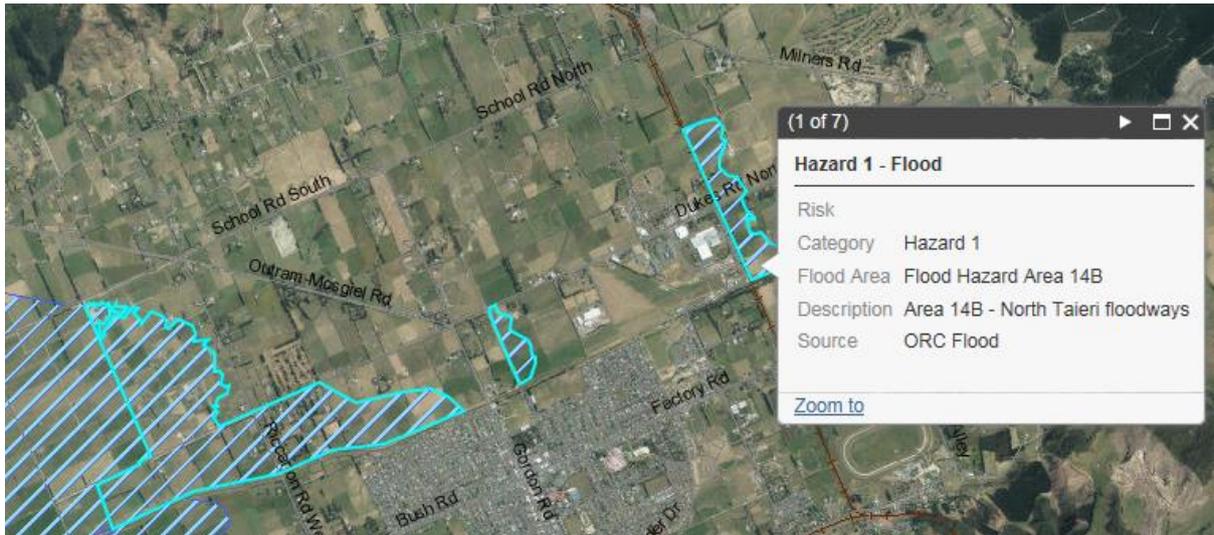
Warren Hanley

APPENDIX 1
HAZARD 1 (FLOOD) OVERLAY ZONES ON THE TAIERI PLAINS





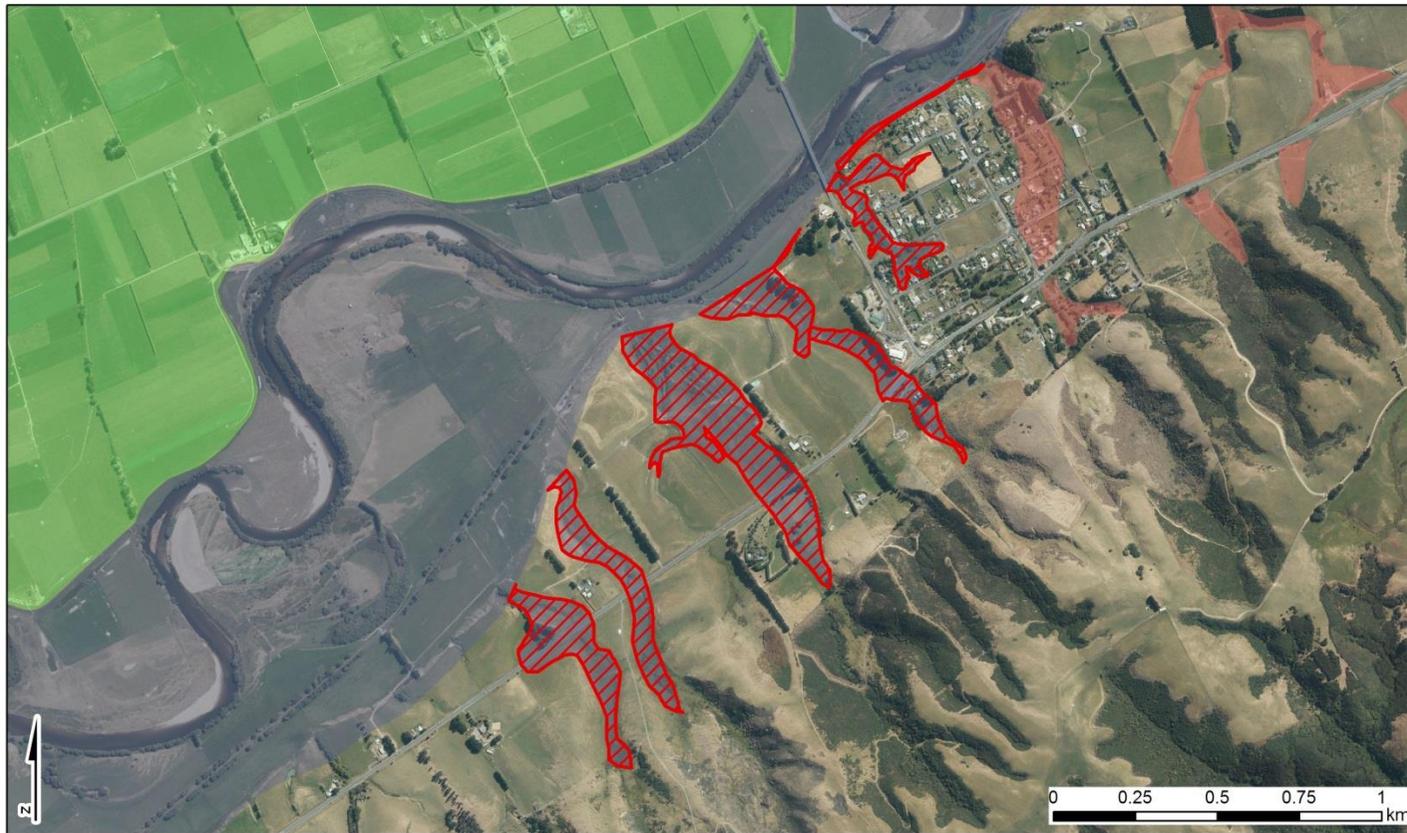




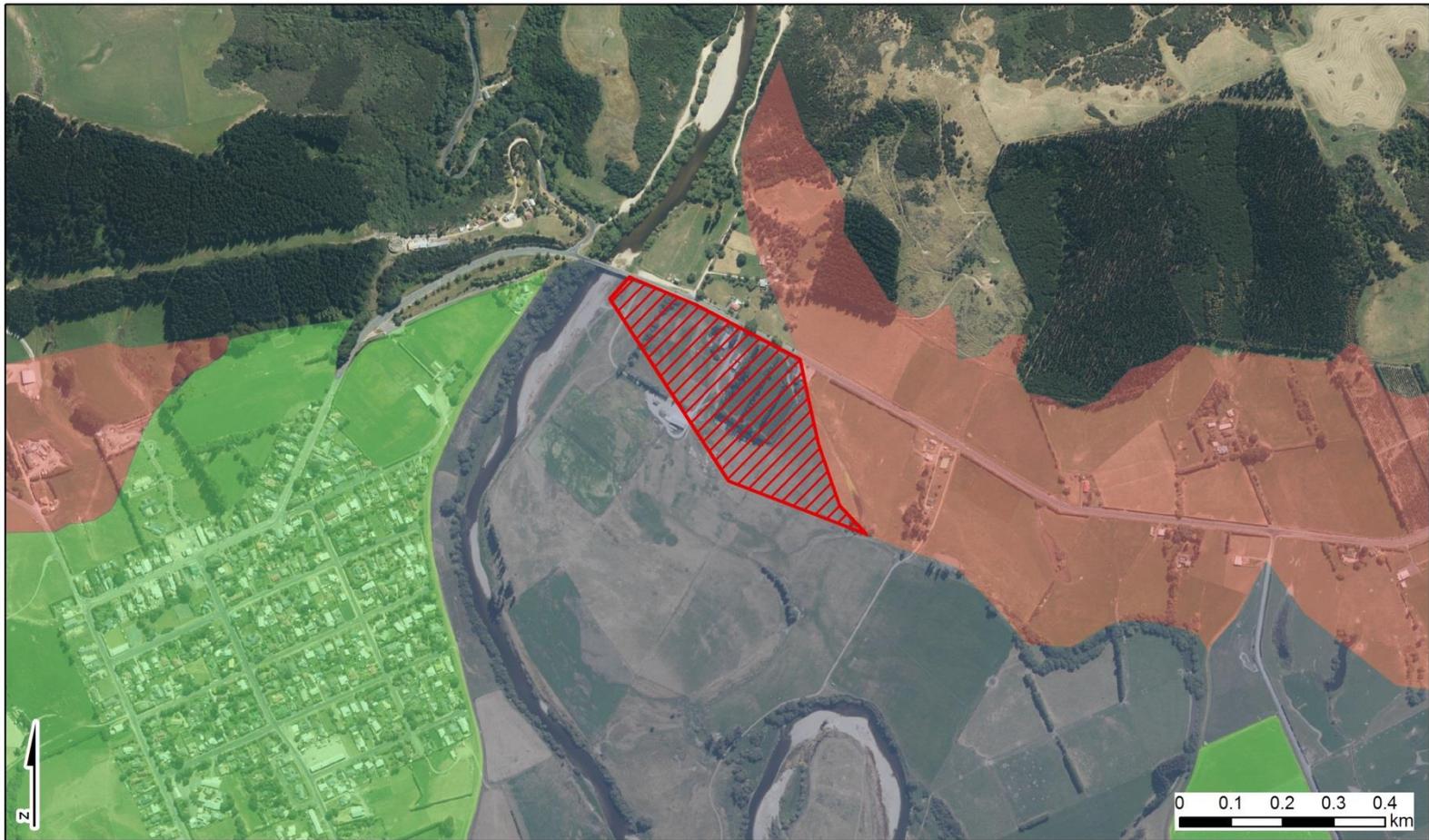
APPENDIX 2

EAST TAIERI FLOODWAY AND RIVER BERMS (AREA 11) – EXCLUSIONS FROM PROHIBITED ACTIVITY STATUS

'Gullies' on the true left of the Taieri River downstream of Allanton and Township and Settlement Zone at Allanton



Area of land near Outram on the true left of the Taieri River which was only included in the Hazard 1 (flood) Overlay Zone via revised recommendation mapping



APPENDIX 3

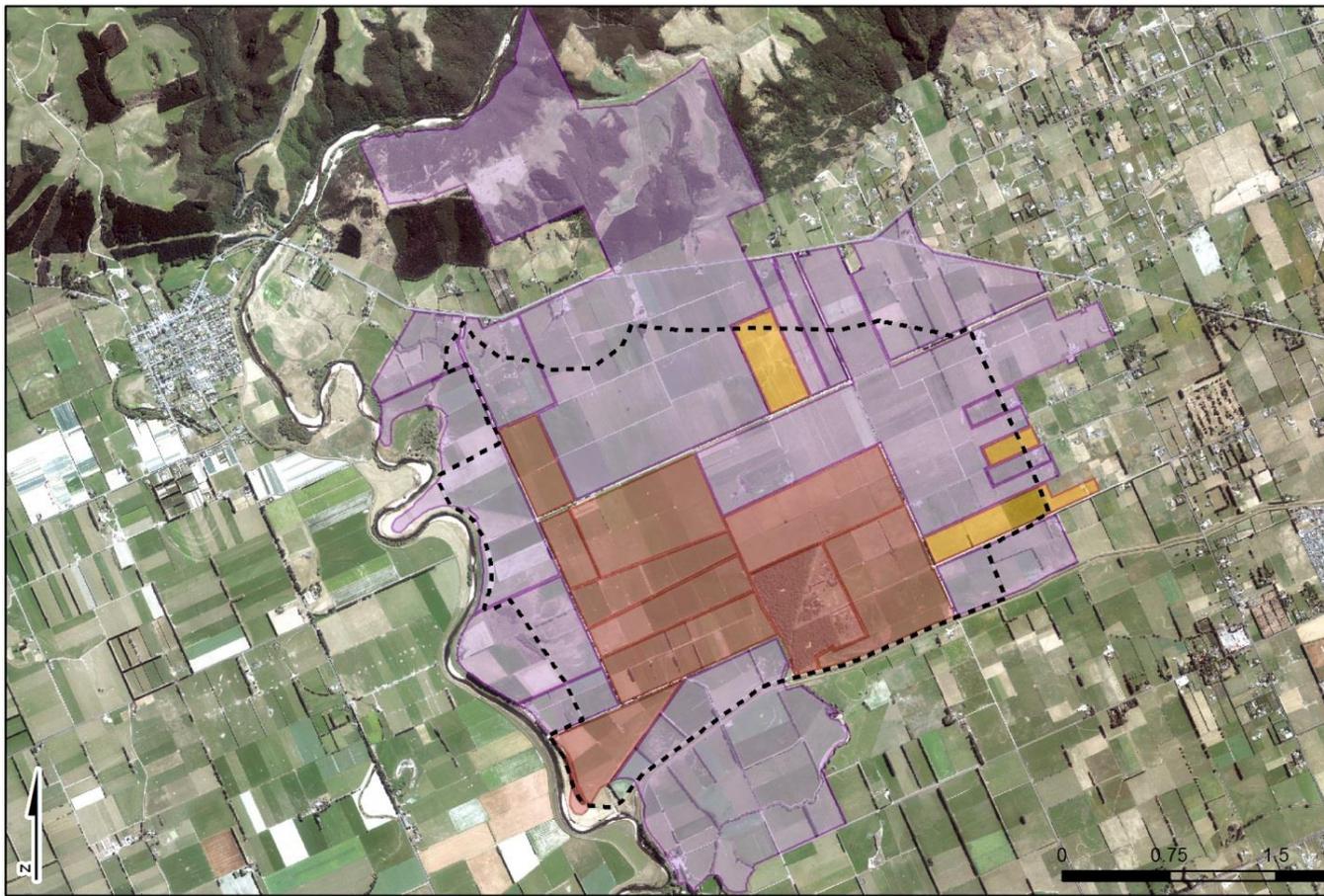
SOUTH OF OWHIRO STREAM (AREA 18) – EXCLUSION FROM PROHIBITED ACTIVITY STATUS

Land on the south side of Gladstone Road South



APPENDIX 4

EAST TAIERI UPPER POND (AREA 12) – PROPERTY AND DWELLING INFORMATION



-  Property contains land outside Upper Pond with no existing dwelling, but is within another hazard area
-  Property contains land outside Upper Pond, but within another hazard area which is where dwelling is located
-  Property is entirely within the Upper Pond with no existing dwelling

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Appendix 3 – 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
1. Plan Overview and Introduction	Introduction	1.4	1.2.2.4		Add introductory explanatory information to nested table sections	NH 457.36 and others	3.13.2.1	5.2
1. Plan Overview and Introduction	Abbreviations	1.5.3	1.4.2	Haz1A	Add abbreviation for Haz1A	NH 908.37	3.6.5.1	6.1
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Least Sensitive Activities	Amend definition	NH 1088.11	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Ground floor area	Add new definition for ground floor area	NH 360.217	4.1.1	4.1.21
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Potentially Sensitive Activities	Amend definition to include service stations	NH 634.3	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Sensitive Activities	Amend definition to exclude service stations	NH 634.3	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Low risk	Amend definition	NH 788.1	3.4.2.4	4.2.1
1. Plan Overview and Introduction	Definition	1.5		Moderate consequences	Amend definition	NH 788.1	3.4.2.4	4.2.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Major consequences	Amend definition	NH 788.1	3.4.2.4	4.2.1
1. Plan Overview and Introduction	Definition	1.5		Alluvial fan	Add new definition of Alluvial Fan	NH 908.57	3.16.2.4	7.2.2
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Least Sensitive Activity	Amend definition to remove bullet point with the wording 'that does not provide a critical service'	NH 923.7	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Potentially Sensitive Activity	Amend definition to remove bullet point with the wording 'that does not provide a critical service'	NH 923.7	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Sensitive Activity	Amend definition to remove bullet point with the wording 'that does not provide a critical service'	NH 923.7	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		Natural Hazards Sensitive Activities	Amend definition to exclude emergency services	NH 945.5	3.5.3	6.2
1. Plan Overview and Introduction	Definition	1.5		New definition (natural hazard)	Do not add new definition as requested		3.7.1	4.1.1
2. Strategic Directions	Policy	2.2.1.3			Amend policy wording	NH 788.1	3.4.2.4	4.2.1
2. Strategic Directions	Policy	2.2.1.3			Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
2. Strategic Directions	Policy	2.2.1.3			Amend policy to reference the new Hazard 3 (alluvial fan) Overlay Zone	NH 908.57	3.16.2.4	7.2.2
2. Strategic Directions	Policy	2.2.1.11 (new)			Add new policy to recognise the importance of lifeline utilities and emergency services	NH 908.35	3.13.1.1	5.2
2. Strategic Directions	Objective	2.2.1		Risk from natural hazards	Amend objective wording	NH 394.6	3.4.1.1	4.2.1
5. Network Utilities	Assessment of Restricted Discretionary Activities	5.8.2.A	5.8.2.1		Amend assessment guidance by providing link to new strategic direction policy 2.2.1.11 to all RD network utility activities	NH 908.35	3.13.1.1	5.2
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.9	6.11.2.8		Amend assessment guidance by providing link to new strategic direction policy 2.2.1.12	NH 908.35	3.13.1.1	5.2
6. Transportation	Assessment of Discretionary Activities	6.11.3.2	6.12.3.2		Amend assessment guidance by providing link to new strategic direction policy 2.2.1.13 for new roads or additions or alteration to existing roads	NH 908.35	3.13.1.1	5.2
8. Natural Hazard	Notification Rule	8.4			Amend rule to reference new Hazard	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
Mitigation					1A (flood) Overlay Zone			
11. Natural Hazards	Introduction	11.1.1			Amend introduction	NH 308.13	3.7.1	4.1.1
11. Natural Hazards	Introduction	11.1.2		Table 11.1 Risk guidance	Amend table content	NH 308.231	3.4.2.4	4.2.1
11. Natural Hazards	Introduction	11.1.3		Table 11.2 Hazard sensitivity	Amend table content	NH 1088.51	3.5.3	6.2
11. Natural Hazards	Introduction	11.1.3		Table 11.2 Hazard sensitivity	Amend table to change sensitivity classification of service stations from sensitive to potentially sensitive	NH 634.3	3.5.3	6.2
11. Natural Hazards	Introduction	11.1.3		Table 11.2 Hazard sensitivity	Amend table to exclude emergency services from Natural Hazards Sensitive Activities	NH 945.5	3.5.3	6.2
11. Natural Hazards	Introduction	11.1.4		Table 11.3 Potential risk within overlay zones	Rename to 'Potential risk within hazard overlay zones' Add note to clarify the difference between 'potential' and 'actual' risk	NH 788.1	3.4.2.4	4.2.1
11. Natural Hazards	Introduction	11.1.4		Table 11.3 Potential risk within overlay zones	Amend to reflect new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Introduction	11.1.4		Table 11.3	Add new Hazard 3 (alluvial fan) Overlay Zone	NH 908.57	3.16.2.4	7.2.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Introduction	11.1		Dunedin's natural hazard risks	Amend introduction	NH 360.219	3.4.2.4	4.2.1
11. Natural Hazards	Introduction	11.1			Amend introduction to reference/reflect new Hazard 3 (alluvial fan) Overlay Zone	NH 908.57	3.16.2.4	7.2.2
11. Natural Hazards	Introduction	11.1			Amend introduction (minor changes)	NH 945.27	4.2.1	4.1.3
1. Natural Hazards	Policy	11.2.1.1			Amend policy to reflect change to Activity Status of natural hazards potentially sensitive activities from D to NC	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Policy	11.2.1.1			Amend policy linked to removal of activity status rules managing buildings in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Policy	11.2.1.1			Amend policy wording to remove 'the establishment of' to align with NH rules which apply to all, not just new, activities	NH 908.3	4.4.2.1	4.2.3
11. Natural Hazards	Policy	11.2.1.1			Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.2	NA deleted		Remove policy to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Policy	11.2.1.2	NA deleted		Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.2	NA deleted		Do not amend as requested		4.4.2.1	4.2.3
11. Natural Hazards	Policy	11.2.1.3	11.2.1.4		Amend policy linked to removal of activity status rules managing buildings in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Policy	11.2.1.3	11.2.1.4		Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.4	11.2.1.5		Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.5	11.2.1.6		Amend policy to reflect change to Activity Status of natural hazards potentially sensitive activities from D to RD	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Policy	11.2.1.5	11.2.1.6		Amend policy linked to removal of activity status rules managing land use activities in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Policy	11.2.1.5	11.2.1.6		Amend policy wording to remove 'the establishment of'	NH 908.3	4.4.2.1	4.2.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Policy	11.2.1.5	11.2.1.6		Do not amend as requested (remove policy)		3.6.3.1	6.1
11. Natural Hazards	Policy	11.2.1.6	NA deleted		Remove policy to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Policy	11.2.1.6	NA deleted		Do not amend as requested		4.4.2.1	4.2.3
11. Natural Hazards	Policy	11.2.1.7	stays as 11.2.1.7		Amend policy to reflect addition of the Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.7	stays as 11.2.1.7		Do not amend as requested		4.7.1	5.1
11. Natural Hazards	Policy	11.2.1.8	NA deleted		Remove policy to reflect deletion of Minimum Floor level Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Policy	11.2.1.9	11.2.1.8.		Amend policy wording	NH 737.9	3.11.4	5.7
11. Natural Hazards	Policy	11.2.1.11	11.2.1.10		Amend policy wording to consider whether activities have an operational need to located in dune system mapped area	NH 690.12	4.5.1	5.3
11. Natural Hazards	Policy	11.2.1.11	11.2.1.10		Amend policy wording to use 'no more than low' terminology	NH 908.3	4.4.1.1	4.2.3
11. Natural Hazards	Policy	11.2.1.12	11.2.1.11		Amend policy wording	NH 634.69	4.8.1	5.11
11. Natural Hazards	Policy	11.2.1.13	11.2.1.12		Amend policy wording	NH 634.69	4.8.1	5.11

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Policy	11.2.1.18	NA deleted		Remove policy related to roads in overlay zones, linked (in part) to adding new strategic direction enabling lifeline utilities	NH 317.6	3.13.3.1	5.2
11. Natural Hazards	Policy	11.2.1.19	11.2.1.14		Do not amend as requested		3.13.4.1	5.2
11. Natural Hazards	Policy	11.2.1.Y (new)	11.2.1.2		Add new policy to support new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Policy	11.2.1.Z (new)	11.2.1.3		Add new policy to support new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Objective	11.2.1			Amend objective wording to use 'no more than low' terminology	NH 908.3	4.4.1.1	4.2.3
11. Natural Hazards	City Wide Performance Standard	11.3.1.2		Dune system mapped area	Remove reference to 'relocatable'	NH 360.239 and NH 961.1	3.9.1.4	7.4.1
11. Natural Hazards	City Wide Performance Standard	11.3.1.2		Hazard exclusion areas - Dune system mapped area	Amend Performance Standard to allow buildings and structures used for conservation activity (NH 588.21) & wildlife conservation (NH 690.12) to be located inside the boundaries of a dune system mapped area	NH 588.21; NH 690.12	4.5.1	5.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	City Wide Performance Standard	11.3.2		Maximum Area of Vegetation Clearance in the Hazard Overlay Zones	Amend Performance Standard wording to clarify the utilities being referred to are 'network utilities'	NH 457.59	4.6.1.1	5.4
11. Natural Hazards	City Wide Performance Standard	11.3.2		Maximum Area of Vegetation Clearance in the Hazard Overlay Zones	Amend Performance Standard to exempt the removal of pest plant species and replanting or of grasses or plant species with a root depth of less than 30cm, and align wording of how areas will be measured with natural environment section; Also amend to exempt routine farming activities such as irrigation infrastructure and fire breaks	NH 951.60; NH 908.3; NH 312.9; NH 355.10	3.15	5.4
11. Natural Hazards	City Wide Performance Standard	11.3.3	NA deleted	Minimum floor level	Remove Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	City Wide Performance Standard	11.3.4	11.3.3	Relocatable buildings	Amend Performance Standard to limit its application to buildings containing residential activity on the ground floor	NH 360.239 and NH 961.1	3.11.4	5.7
11. Natural Hazards	City Wide Performance Standard	11.3.5	11.3.4	Outdoor Storage	Amend to reflect new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Note to Plan User	11.3.5A		Other requirements outside of the District Plan	Add new note to plan users to clarify that minimum floor levels are administered under the Building Act 2002	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2.3			Amend to reflect change to Policy 11.2.1.7	NH 908.37	3.6.5.1	6.1
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2.4	NA deleted		Remove assessment guidance to reflect deletion of Minimum Floor level Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2.6	11.4.2.5		Amend to reflect change to Policy 11.2.1.4	NH 908.37	3.6.5.2	6.1
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2.7	11.4.2.6		Amend assessment guidance to reflect change in policy 11.2.1.9 wording	NH 737.9	3.11.4	5.7

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2			Amend guidance wording	NH 908.62	3.8.1	4.1.7
11. Natural Hazards	Assessment of Restricted Discretionary Performance Standard Contraventions	11.4.2			Amend guidance wording to require consideration of NZ Coastal Policy Statement	NH 949.25 and NH 949.26	3.8.1	4.1.7
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.1			Amend assessment guidance wording	NH 908.59	4.3.1	4.1.4
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.1			Amend guidance wording	NH 908.62	3.8.1	4.1.7
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.2			Amend assessment guidance linked to removal of activity status rules managing land use activities in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.2			Amend assessment guidance to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.3	NA deleted		Remove assessment guidance linked to removal of activity status rules managing land use activities in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.9	11.5.2.5		Remove assessment guidance to reflect deletion of Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2.X (new)	11.5.2.3		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.5.2			Amend guidance wording to require consideration of NZ Coastal Policy Statement	NH 949.25 and NH 949.26	3.8.1	4.1.7
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.1			Amend assessment guidance wording	NH 908.59	4.3.1	4.1.4
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.1			Amend guidance wording	NH 908.62	3.8.1	4.1.7
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.1			Remove assessment guidance to reflect deletion of Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.3	NA deleted		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2.4	NA deleted		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Assessment of Discretionary Activities	11.6.2			Amend guidance wording to require consideration of NZ Coastal Policy Statement	NH 949.25 and NH 949.26	3.8.1	4.1.7
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend assessment guidance linked to removal of activity status rules managing land use activities in hazard 1 and 2 (land instability)	NH 73.4	3.9.1.4	7.4.1
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend assessment wording to reflect policy by removing the word 'new'	NH 908.3	4.4.2.1	4.2.3
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend assessment guidance to reflect change in Activity Status	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend assessment guidance wording	NH 908.59	4.3.1	4.1.4
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2.1			Amend guidance wording	NH 908.62	3.8.1	4.1.7
11. Natural Hazards	Assessment of Non-complying Activities	11.7.2			Amend guidance wording to require consideration of NZ Coastal Policy Statement	NH 949.25 and NH 949.26	3.8.1	4.1.7
11. Natural Hazards	Assessment of Non-complying Activities	11.7.3.2			Amend assessment rule to reflect change wording of policy 11.2.1.11	NH 690.12	4.5.1	5.3
11. Natural Hazards	Special Information Requirement	11.9.1.4			Amend to reflect deletion of Minimum Floor level Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Special Information Requirement	11.9	11.8	Special Information Requirements	Amend special information requirements to reflect the change requested to Policy 11.2.1.12	NH 634.69	4.8.1	5.11
11. Natural Hazards	Note to Plan User	11.3A		General advice	Remove note to plan user to reflect deletion of Minimum Floor level Performance Standard	NH 917.27, 947.53 and others	3.12.4	5.6
11. Natural Hazards	Section	11		Whole Natural Hazards section	Do not amend as requested (remove all hazard overlay zones)		3.3.4	4.1.4

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
15. Natural Hazards	Activity Status	15.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
15. Residential Zones	Activity Status	15.3.6 (now 15.3.X)	delete		Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
15. Residential Zones	Activity Status	15.3.X.X.b and 15.3.X.Y.b	15.3.6.1.b and 15.3.6.2.b		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D (or P if they were otherwise P in the zone) to RD	NH 634.74	3.6.2.1	6.1
15. Residential Zones	Activity Status	15.3.X.Y.a	15.3.6.2.a		Amend Activity Status of natural hazards potentially sensitive activities in Haz1 (flood) from D to NC	NH 634.74	3.6.2.1	6.1
15. Residential Zones	Notification Rule	15.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
15. Residential Zones	Development Performance Standard	15.6.5.3	N/A (Deleted)	Natural Hazards Performance Standards -	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
				Minimum floor level	removed)			
15. Residential Zones	Development Performance Standard	15.6.5.4	15.6.4.3	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.2.X	15.11.2.3		Amend assessment guidance by providing link to new strategic direction policy 2.2.1.14 for Emergency Services	NH 908.35	3.13.1.1	5.2
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.5.2	delete		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.5.11	15.11.5.8		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10..5.3	15.10.5.1		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
15. Residential Zones	Assessment of Discretionary Performance Standard Contraventions	15.11.4.1	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
15. Residential Zones	Assessment of Discretionary Performance Standard Contraventions	15.11.4.2	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
15. Residential Zones	Assessment of Non-complying Activities	15.12.3.6	15.13.3.5		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
15. Residential Zones	Assessment of Non-complying Activities	15.12.3.6	15.13.3.5		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
15. Residential Zones	Note to Plan User	15.3C		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
16. Natural Hazards	Activity Status	16.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
16. Rural Zones	Activity Status	16.3.2		Introduction	Amend legend to reflect new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
16. Rural Zones	Activity Status	16.3.6 (now 16.3.X)	16.3.6		Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
16. Rural Zones	Note to Plan User	16.3.C		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
16. Rural Zones	Activity Status	16.3.X.X.c and 16.3.X.Y.c	16.3.6.1.c and 16.3.6.2.c		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D (or P if they were otherwise P in the zone) to RD	NH 634.74	3.6.2.1	6.1
16. Rural Zones	Activity Status	16.3.X.Y.b	16.3.6.2.b		Amend Activity Status of natural hazards potentially sensitive activities in Haz1 (flood) from D to NC	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Activity Status	16.3.X (was 16.3.6)	16.3.6		Amend Activity Status table to add new Haz1A (flood) Overlay Zone which has split from the Haz1 (flood) Overlay Zone. Make natural hazards sensitive activities Pr - originally NC under Haz1 (flood). Retain new buildings, and additions and alterations to buildings, which create more than 36m ² of new ground floor area as RD (RD under Haz1 (flood))	NH 908.37	3.6.5.1	6.1
16. Rural Zones	Notification Rule	16.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
16. Rural Zones	Development Performance Standard	16.6.3.3	NA deleted	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
16. Rural Zones	Development Performance Standard	16.6.3.4	16.6.2.3	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Development Performance Standard	16.6.3.5	16.6.2.4		Amend Performance Standard to reflect change in Activity Status	NH 908.37	3.6.5.1	6.1
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.5.10	16.10.5.11		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.5.10	NA deleted		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.5.11	16.10.5.12		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
16. Rural Zones	Assessment of RD Activities	16.10.5.11	16.10.5.12		Amend assessment guidance to reflect change in Activity Status	NH 908.37	3.6.5.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Assessment of Discretionary Performance Standard Contraventions	16.11.2.6	NA deleted		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.7	NA deleted		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
16. Rural Zones	Assessment of Non-complying Activities	16.12.3.4	16.12.3.4		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
16. Rural Zones	Assessment of Non-complying Activities	16.12.3.4	16.12.3.4		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
16. Rural Zones	Assessment of Non-complying Activities	16.12.3.X	16.12.3.3		Add assessment guidance to reflect change in Activity Status	NH 908.37	3.6.5.1	6.1
17. Natural Hazards	Activity Status	17.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Activity Status	17.3.6 (now 17.3.X)	17.3.6		Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
17. Rural Residential Zones	Activity Status	17.3.X.X.b and 17.3.X.Y.b	17.3.6.1.b and 17.3.6.2.b		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D (or P if they were otherwise P in the zone) to RD	NH 634.74	3.6.2.1	6.1
17. Rural Residential Zones	Activity Status	17.3.X.Y.a	17.3.6.2.a		Amend Activity Status of natural hazards potentially sensitive activities in Haz1 (flood) from D to NC	NH 634.74	3.6.2.1	6.1
17. Rural Residential Zones	Notification Rule	17.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
17. Rural Residential Zones	Development Performance Standard	17.6.3.3	N/A (Deleted)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Development Performance Standard	17.6.3.4	17.6.2.3	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7
17. Rural Residential Zones	Assessment of Restricted Discretionary Activities	17.10.5.9	17.10.5.8		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
17. Rural Residential Zones	Assessment of Restricted Discretionary Activities	17.10.5.10	N/A (Deleted)		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
17. Rural Residential Zones	Assessment of Restricted Discretionary Activities	17.10.5.13	17.10.9		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
17. Rural Residential Zones	Assessment of Discretionary Activities	17.11.2.3	N/A (Deleted)		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Assessment of Discretionary Activities	17.11.2.4	N/A (Deleted)		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
17. Rural Residential Zones	Assessment of Non-complying Activities	17.12.3.4			Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
17. Rural Residential Zones	Assessment of Non-complying Activities	17.12.3.4			Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
17. Rural Residential Zones	Note to Plan User	17.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
18. Natural Hazards	Activity Status	18.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
18. Commercial and Mixed Use Zones	Activity Status	18.3.8 (now 18.3.X)			Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
18. Commercial and Mixed Use Zones	Activity Status	18.3.X.X, 18.3.X.Y			Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D (or P if they were otherwise P in the zone) to RD	NH 634.74	3.6.2.1	6.1
18. Commercial and Mixed Use Zones	Notification Rule	18.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
18. Commercial and Mixed Use Zones	Development Performance Standard	18.6.7.3	N/A (Deleted)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
18. Commercial and Mixed Use Zones	Development Performance Standard	18.6.7.4	18.6.6.3	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7
18. Commercial and Mixed Use Zones	Assessment of Restricted Discretionary Activities	18.10.5.4	N/A (Deleted)		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
18. Commercial and Mixed Use Zones	Assessment of Restricted Discretionary Activities	18.10.5.5	18.10.5.4		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
18. Commercial and Mixed Use Zones	Assessment of Restricted Discretionary Activities	18.10.5.8	18.10.5.5		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
18. Commercial and Mixed Use Zones	Assessment of Discretionary Activities	18.11.5.2	N/A (Deleted)		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
18. Commercial and Mixed Use Zones	Assessment of Non-complying Activities	18.12.4.3	N/A (Deleted)		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
18. Commercial and Mixed Use Zones	Note to Plan User	18.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
19. Natural Hazards	Activity Status	19.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new,	NH 908.3	4.4.2.1	4.2.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					activities (clarification)			
19. Industrial Zones	Activity Status	19.3.6 (now 19.3.X)	19.3.6		Remove Activity Status rule related to new building sand additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
19. Industrial Zones	Activity Status	19.3.X.X, 19.3.X.Y	19.3.6.1, 19.3.6.2		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D to RD	NH 634.74	3.6.2.1	6.1
19. Industrial Zones	Notification Rule	19.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
19. Industrial Zones	Development Performance Standard	19.6.4.3	N/A (Deleted)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
19. Industrial Zones	Development Performance Standard	19.6.4.4	19.6.2.3	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.6.2			Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.6.6	19.10.6.5		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
19. Industrial Zones	Assessment of Discretionary Activities	19.11.3.2	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
19. Industrial Zones	Note to Plan User	19.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
20. Natural Hazards	Activity Status	20.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
20. Recreation Zone	Activity Status	20.3.6 (now 20.3.X)			Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
20. Recreation Zone	Activity Status	20.3.X.X.b and 20.3.X.Y.b			Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D to RD	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Activity Status	20.3.X.Y.a			Amend Activity Status of natural hazards potentially sensitive activities in Haz1 (flood) from D to NC	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Notification Rule	20.4			Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
20. Recreation Zone	Development Performance Standard	20.6.4.3	archived	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
20. Recreation Zone	Assessment of Restricted Discretionary Activities	20.10.5.3	delete		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
20. Recreation Zone	Assessment of Restricted Discretionary Activities	20.10.5.11	20.10.5.8		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Assessment of Restricted Discretionary Activities	20.10.5.4	20.10.5.2		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
20. Recreation Zone	Assessment of Discretionary Activities	20.11.2.6	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Assessment of Discretionary Activities	20.11.2.7	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Assessment of Non-complying Activities	20.12.3.6	20.12.3.4		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
20. Recreation Zone	Note to Plan User	20.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
22. Natural Hazards	Activity Status	22.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
22. Dunedin Botanic Gardens	Activity Status	22.3.4		Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
22. Dunedin Botanic Gardens	Activity Status	22.3.X.X and 22.3.X.Y	22.3.6.1 and 22.3.6.2		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D to RD	NH 634.74	3.6.2.1	6.1
22. Dunedin Botanic Gardens	Development Performance Standard	22.6.9	Pg header deleted with all children	Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
22. Dunedin Botanic Gardens	Assessment of Restricted Discretionary Performance Standard Contraventions	22.9.4.11	delete		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
22. Dunedin Botanic Gardens	Assessment of Restricted Discretionary Activities	22.10.2.7	22.10.2.4		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
22. Dunedin Botanic Gardens	Assessment of Discretionary Activities	22.11.3.1	delete		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
22. Dunedin Botanic Gardens	Note to Plan User	22.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
23. Dunedin Hospital	Activity Status	23.3.4		Hazard overlay zones development standards	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
23. Dunedin Hospital	Development Performance Standard	23.6.3.1	N/A (deleted)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
23. Dunedin Hospital	Assessment of Restricted Discretionary Performance Standard Contraventions	23.8.4.6	N/A (deleted)		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
24. Natural Hazards	Activity Status	24.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
24. Dunedin International Airport	Activity Status	24.3.4		Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
24. Dunedin International Airport	Activity Status	24.3.6.3	24.3.6.2	New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	Do not amend as requested (remove)		3.6.1.1	6.1
24. Dunedin International Airport	Development Performance Standard	24.6.8	N/A deleted	Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
24. Dunedin International Airport	Assessment of Restricted Discretionary Performance Standard Contraventions	24.8.4.10	N/A deleted		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
24. Dunedin International Airport	Note to Plan User	24.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
25. Edgar Centre	Activity Status	25.3.4		Hazard overlay zones development standards	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
25. Edgar Centre	Development Performance Standard	25.6.4.1		Natural Hazards Performance Standards - Minimum floor	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
				level				
25. Edgar Centre	Assessment of Restricted Discretionary Performance Standard Contraventions	25.8.4.9	N/A		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
26. Invermay and Hercus	Activity Status	26.3.4		Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
26. Invermay and Hercus	Development Performance Standard	26.6.6	NA deleted	Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
26. Invermay and Hercus	Assessment of Restricted Discretionary Performance Standard Contraventions	26.9.4.12	NA deleted		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
29. Otago Museum	Activity Status	29.3.4		Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
29. Otago Museum	Development Performance Standard	29.6.7	pg header deleted and content archived	Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
29. Otago Museum	Assessment of Restricted Discretionary Performance Standard Contraventions	29.9.4.10	delete		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
31. Natural Hazards	Activity Status	31.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
31. Schools	Activity Status	31.3.6 (now 31.3.X)	31.3.6		Remove Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
31. Port	Activity Status	31.3.X.X and 31.3.X.Y	31.3.6.1, 31.3.6.2		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D to RD	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
31. Schools	Development Performance Standard	31.6.3.1	31.6.2.1	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7
31. Schools	Development Performance Standard	31.6.3.2	N/A (Deleted)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
31. Schools	Assessment of Restricted Discretionary Performance Standard Contraventions	31.9.4.11	N/A (Deleted)		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
31. Schools	Assessment of Restricted Discretionary Activities	31.10.3.1	N/A (Deleted)		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
31. Schools	Assessment of Restricted Discretionary Activities	31.10.3.2	31.10.3.1		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
31. Schools	Assessment of Restricted Discretionary Activities	31.10.3.2	31.10.3.1		Amend assessment guidance linked to removal Activity Status rule related to new buildings and additions and alterations in the Hazard 1 (land instability) Overlay Zone	NH 73.4	3.9.1.4	7.4.1
31. Schools	Assessment of Discretionary Activities	31.11.3.2	N/A (Deleted)		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
31. Schools	Note to Plan User	31.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
32. Stadium	Activity Status	32.3.4		Hazard overlay zones development standards	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
32. Stadium	Development Performance Standard	32.6.4.3	(maybe N/A)	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
32. Stadium	Assessment of Restricted Discretionary Performance Standard Contraventions	32.8.4.10	N/A		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
33. Natural Hazards	Activity Status	33.3.2		Activity Status Introduction	Amend Activity Status introduction to reflect NH rules which apply to all, not just new, activities (clarification)	NH 908.3	4.4.2.1	4.2.3
33. Taieri Aerodrome	Activity Status	33.3.4		Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
33. Taieri Aerodrome	Activity Status	33.3.X.X and 33.3.X.Y	33.3.6.1, 33.3.6.2		Amend Activity Status of natural hazards sensitive activities and natural hazards potentially sensitive activities in Haz2 (flood) from D to RD	NH 634.74	3.6.2.1	6.1
33. Taieri Aerodrome	Development Performance Standard	33.6.7	NA deleted	Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
33. Taieri Aerodrome	Assessment of Restricted Discretionary Performance Standard Contraventions	33.9.4.12	NA deleted		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
33. Taieri Aerodrome	Assessment of Restricted Discretionary Activities	33.10.3.7	33.10.3.4		Add assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
33. Taieri Aerodrome	Assessment of Discretionary Activities	33.11.3.1	NA deleted		Remove assessment guidance to reflect change in Activity Status	NH 634.74	3.6.2.1	6.1
33. Taieri Aerodrome	Note to Plan User	33.3B		General advice	Amend note wording (clarification)	NH 634.81	4.9.1	6.3
34. Campus	Activity Status	34.3			Do not amend as requested (add Activity Status table which changes the activity status in hazard overlay zones)		3.6.4.1	6.1
34. Campus	Development Performance Standard	34.6.5.1	NA deleted	Natural Hazards Performance Standards - Minimum floor level	Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6
34. Campus	Development Performance Standard	34.6.5.2	34.6.4.1	Natural Hazards Performance Standards - Relocatable buildings	Amend Performance Standard linking to Rule 11.3.4 to reflect change to Rule 11.3.4	NH 360.239 and NH 961.1	3.11.4	5.7
34. Campus	Assessment of Restricted Discretionary Performance Standard Contraventions	34.9.4.9	34.9.4.5		Remove Performance Standard for Minimum Floor level (that links to 11.3.3 which was removed)	NH 917.27, 947.53 and others	3.12.4	5.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
8A. Earthworks	City Wide Performance Standard	8A.5.1.3		Earthworks - small scale thresholds - Maximum change in finished ground level	Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1
8A. Earthworks	City Wide Performance Standard	8A.5.1.3		Earthworks - small scale thresholds	Amend Performance Standard to reference the new Hazard 3 (alluvial fan) Overlay Zone	NH 908.57	3.16.2.4	7.2.2
8A. Earthworks	City Wide Performance Standard	8A.5.1.5		Earthworks - small scale thresholds - Maximum volume of combined cut and fill	Amend rule to reference new Hazard 1A (flood) Overlay Zone	NH 908.37	3.6.5.1	6.1