

APPENDIX 2 – SUBMISSIONS RECEIVED

8 April 2014

Wanganui District Council
PO Box 637
Wanganui 4540

Attn: James Witham / Jonathan Barrett

By email to: James.Witham@wanganui.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR
VARIATION (FORM 5)
Wanganui District Plan – Proposed Plan Change 33: Flooding Hazard**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
PO Box 593
WELLINGTON 6140
Attention: Rebecca Beals

SUBMISSION:

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand.

KiwiRail note that feedback on the draft Plan Change 33 provisions was supplied on 18 November 2013. This submission is consistent with the feedback already provided in relation to the technical changes sought to be included within the Plan Change provisions.

The comments KiwiRail have on the specific draft provisions are provided below. Text proposed to be inserted is shown as bold and underlined (**insert**), and that to be deleted is shown as bold and struck out (**~~delete~~**).

1. KiwiRail note that there are numerous instances of inconsistent wording between the provisions identified and discussed in the Section 32 Report and the changes identified in Appendix One, the Marked Up District Plan Text. This causes confusion as to which provisions are actually being proposed. KiwiRail therefore seek that Council clarify whether it is the provisions in the Section 32 Assessment or Appendix One that are being sought to be inserted. If it is the provisions in Appendix One, KiwiRail seek confirmation

that the Section 32 assessment around these provisions has occurred. Given the uncertainty, some of the submission points below have addressed both wording options.

2. KiwiRail is the operator of the rail corridor in Wanganui (Designation D204). Railways are defined as 'Critical Infrastructure' in the Proposed Plan Change 33 definitions and in the Glossary of the Horizons One Plan. KiwiRail supports this definition.
3. KiwiRail undertake maintenance and upgrade works on its assets as required. Therefore KiwiRail seek to have rail upgrades specifically included in the definition of 'Upgrades' in the Plan Change, to ensure rail upgrades are clearly provided for as a permitted activity under proposed rule RX1. The definition as currently worded appears to relate to electricity and telecommunication facilities, however KiwiRail believes the definition intent is unclear when provision (vii) *the widening of existing roads* is read as to whether that relates to all roads or roads connected with electricity and telecommunication facilities. If the latter, when the definition is read in conjunction with RX1.c, there is uncertainty as to whether the permitted activity upgrades only relate to electricity and telecommunication critical infrastructure or all infrastructure defined as critical infrastructure. KiwiRail seek clarity around the definition and suggest as a minimum that a new point (viii) is added to the existing list of activities included under the definition of 'Upgrades', to read:
(viii) Improvements to existing rail lines and yards.

4. Policy PX5 "Critical Infrastructure in floodable areas" under 3.4 Proposed Policies in the Section 32 report, page 20, reads:
Avoid the establishment of new or upgrade of existing critical infrastructure within a flood risk overlay unless;
 - a. *There is a function requirement to do so AND;*
 - b. *The infrastructure is constructed or upgraded in a manner that increases the resilience of the infrastructure in the event of a 1 in 200 year flood event.*

However in Appendix One, under 8.3 Policies, page 36, PX5 reads:

- Avoid the establishment of new critical infrastructure within a flood risk overlay unless there is satisfactory evidence to show that critical infrastructure;*
- a. *Will not be adversely affected by a 1 in 200 year flood event*
 - b. *Will not cause any adverse effects on the environment in the event of a flood*
 - c. *Is unlikely to cause a significant increase in the scale or intensity in the event of a flood*
 - d. *Cannot be reasonably located in an alternative location.*

KiwiRail are uncertain as to which provision is proposed. In the feedback provided in November, KiwiRail sought changes to the wording contained on page 20 of the Section 32 report, namely the 'AND' be replaced by 'OR', and this appears not to have been adopted by Council. Should this be the wording proposed, KiwiRail seek the change be made.

However if the wording on page 36 is what is now proposed, KiwiRail seek that 'OR' be placed at the end of point 'a', and 'AND' after each of points 'b' and 'c'. KiwiRail would

then support that wording. As rail is defined as critical infrastructure, any upgrade or new rail infrastructure would require consent under the proposed provisions, where the designation is not able to be relied upon. As advised in November, KiwiRail structural engineers have advised that if KiwiRail's infrastructure was upgraded to this design standard (0.5% AEP), there would be no material difference in effect on KiwiRail or any adjoining properties compared to the existing infrastructure design. Adopting the amended wording on page 36 would enable KiwiRail, in the event that the designation cannot be relied upon, to undertake development or works and remain consistent with the policy.

5. KiwiRail note that the proposed rule RX1 as identified in 3.5 of the Section 32 report, page 22, states "... c. *Minor upgrades to critical infrastructure* ...". However in Appendix One, at 8.8 Performance Standard – Flood Hazard, page 37, RX1 states "... c. *Upgrades to critical infrastructure*...". KiwiRail support the wording under 8.8, page 37 and seek clarity as to which wording Council propose to adopt. The implication of the different wording effects definitions included through the Plan Change and how these rules are then able to be relied on. KiwiRail note there is no definition proposed for 'Minor Upgrades', however there is a definition proposed for 'Upgrades'. If the rule is to refer to 'Minor Upgrades' a definition is required, and KiwiRail seek that rail activities are included within that definition.
6. The installation of new critical infrastructure and works not provided for as permitted or restricted discretionary activities, are identified in Plan Change 33 as discretionary activities. KiwiRail submit that new critical infrastructure should be provided for as a restricted discretionary activity. This is submitted as reflecting that the infrastructure is critical and provides a level of public service greater than other infrastructure, however would still provide Council with the ability to assess the application in detail. This is also submitted to be consistent with the intention in PX5 as worded on page 36, where critical infrastructure can be established where certain evidence is provided as to effects. The location of critical infrastructure is often reliant on patterns of existing development and infrastructure locations. As the focus of the Plan Change is on flood hazards and in particular avoiding or mitigating those where appropriate, restricting discretion to matters consistent with those identified in PX5 (as proposed on page 36), will still provide Council with certainty that the new critical infrastructure proposed can be consented. To achieve this, KiwiRail seek the Restricted Discretionary Activity Rule RX2, be amended as follows:

RX2 Restricted Discretionary Activities

1. The following are restricted discretionary activities provided they comply with the performance standards...

2. New critical infrastructure and works to critical infrastructure not provided for as Permitted or Restricted Discretionary Activities.

Council has restricted its discretion to the following matters:

a. Anticipated effect from 1 in 200 year flood event on the infrastructure;

b. Environmental effect from the infrastructure in the event of a flood, including any increase in scale or intensity of the flood event; and

c. Feasibility of alternative locations.

As a consequence of the change above, RX3 is also required to be changed:

RX3 Discretionary Activities

The following are discretionary activities:

a. ~~New or upgraded critical infrastructure~~

b. Earthworks that do not comply with performance standard RX5(2)

7. KiwiRail wishes to see Flood Risk Areas A and B clearly identified on the planning maps. Flood Risk Areas A and B are the terms referred to in the draft Plan Change provisions. The maps available online as part of the Plan Change documentation (http://www.wanganui.govt.nz/Shaping/docs/Phase5/PlanChange33_200YearFlood_Maps.pdf), have identified on the Legend, page 22, "Flood Level 100 Year Event" and "Flood Level 200 Year Event", however there are no Flood Risk Areas A or B identified. Parts of the rail corridor are within the 100 and 200 year flood event lines as detailed on the District Plan maps, namely areas located at either end of the Aramaho Bridge, the Wanganui Rail Yard at Taupo Quay, and the majority of the Castlecliff line. KiwiRail therefore submit that it is left to the reader to make their own assessment as to what constitutes which flood risk area, and therefore seek that Council alter the Legend on the Planning Maps for consistency with the terms used in the Proposed Plan Change text.

KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission.

If you have any queries or would like to discuss any of the submission points above please do not hesitate to contact me.

Regards



Rebecca Beals
Senior RMA Advisor
KiwiRail

Ph: 04 498 3389

Fax: 04 473 1460

Email: Rebecca.Beals@kiwirail.co.nz

Form 5

Submission on Proposed Plan Change 33 (Flooding Hazard) to the Wanganui District Plan Under Clause 6 of the First Schedule to the Resource Management Act 1991

To: Wanganui District Council
PO Box 637
101 Guyton Street
WANGANUI

Attention: Rachael Pull

Submission on: Proposed Plan Change 33 (Flooding Hazard)

Name: Chorus New Zealand Limited (Chorus)

Address: Chorus New Zealand Limited
PO Box 632
WELLINGTON
(Please note different address for service below)

1. Introduction:

Chorus 'demerged' from Telecom as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a world class network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables.

Chorus' telecommunication and radio communication facilities and networks are essential services because of the critical role they play, both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety". Chorus' fixed line network connects homes and businesses through an extensive network made up of fibre optic and copper cable.

Chorus works with many different retail service providers to give access to our network and develop innovative new products and services. Our customers include Actrix, Airnet, CallPlus, Compass, Digital Island, Gen-I, Orcon, TelstraClear, Telecom, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.

In addition to supporting our customers to deliver fixed line services; Chorus' fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of our customers and the local community.

Within any District Plan framework there is a need to balance policy and provisions to provide for the efficient maintenance and rollout of network utilities infrastructure whilst appropriately managing the effects on the environment associated with such. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places

significantly greater importance on the need to allow for critical infrastructure and network utilities. *The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) is an example of a measure put in place by Government to better provide for deployment of critical infrastructure.

2. The specific provisions of the proposed plan change that my submission relates to:

Definition of 'Critical infrastructure'; Rules RX1, RX2, RX3, RX4 and RX5.

3. Chorus submission is that:

In general, it is considered that:

- (a) PDPC 33 as currently drafted is unclear, uncertain and unworkable. Examples of this include:
- The definition of 'Critical infrastructure' includes "*c) telecommunications cabinets and cellular service infrastructure.*" It is unclear whether this definition also includes associated telecommunication lines whether underground or overhead.
 - The unclear relationship of the provision of 'new buildings and structures' in the Flood Risk Area B as a Restricted Discretionary Activity and in Flood Area A as a Non-Complying Activity; with provision for 'critical infrastructure' which (can include buildings and structures) as a Discretionary Activity.
 - Reference to standards that don't exist e.g. reference to performance standard RX5(2) in Rule RX3(b) and to performance standard RX5(1) in Rule RX4 c.; and
 - Reference to "*The following are discretionary activities:*" under the Non-Complying Activities in Rule RX4.
- (b) PCPC 33 is unreasonably restrictive in the manner in which telecommunication and radio communication facilities (which are essential services and need to be located near the customers they serve) are provided for.

While it is generally prudent to avoid siting new buildings and structures in areas subject to flooding, it is not practical for all network utility equipment, and particularly linear utilities, to avoid these areas. This is particularly noting that these facilities are generally required to be located either directly to, or close to, the customers they serve.

Lines, either below ground or above ground supported by poles, can be sited in flood hazard areas without undue risk to the equipment or the community. Further, small telecommunication cabinets, which can be sited in roads as permitted activities under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (regardless of any flood hazard overlay), are not afforded the same permitted activity status outside of roads.

The equipment associated with telecommunications is non-habitable and Chorus is of the view that it can make its own assessment of risk as to the suitability or otherwise of siting small utility cabinets in flood hazard overlay areas, and of the design mitigation measures required. Further, any sensitive equipment associated with telecommunication masts will be sited on or within the mast well above flood levels.

As currently drafted, the permitted activity rules for the flood hazard overlay areas would not provide for the above described new telecommunication infrastructure. This is considered inappropriate in view of the essential nature of these facilities, the technical and operational

need to be close to the areas that they serve, and the nature of these facilities which can be sited in flood hazard areas without undue risk to the equipment or the community.

It is noted that the Proposed Horowhenua District Plan (as amended by decisions), which comes under the same Regional Council jurisdiction, provides as a permitted activity in the Flood Hazard zones for:

- *Maintenance or minor upgrading of existing network utilities.*
- *Installation of underground network utilities.*
- *New above ground lines including support poles.*
- *New network utility masts.*
- *New network utility cabinets/buildings.*

For the above reasons, it is considered that the PDPC 33 fails to promote the purpose of the Resource Management Act ("RMA"), and requires amendment.

4. Chorus seeks the following decision from the Council:

EITHER

- (i) Amend the definition of 'Critical infrastructure' to make it clear that it covers all telecommunications as follows:
(c) telecommunications cabinets and cellular service infrastructure; and
- (ii) Amend Permitted Activity Rule RX1 to include new item "*e. New telecommunications*";
and
- (iii) Amend Discretionary Activity Rule RX3 a. to read "*New critical infrastructure and works to critical infrastructure (including telecommunications) not provided for as a Permitted or Restricted Discretionary Activity*"; and
- (iv) Make it clear that the provisions for "new buildings and structures" do not apply to telecommunications; and
- (v) That it be confirmed that no minimum freeboard is required for telecommunication facilities in Performance Standard RX5; and
- (vi) Provide amendments to correct the errors highlighted in items 3 (a) bullet points 3 and 4 above.

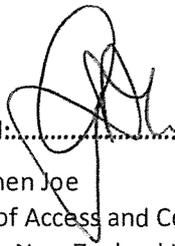
OR

Such other relief to like effect to remedy the concerns outlined above:

AND

Any consequential amendments necessary as a result of the amendments requested to grant the relief sought above.

5. **Chorus New Zealand Limited does wish to be heard in support of its submission.**
6. **If others make a similar submission Chorus New Zealand Limited would be prepared to consider presenting a joint case with them at any hearing.**



Signed:.....

Gretchen Joe
Head of Access and Consents
Chorus New Zealand Limited

Dated at Wellington this 10th day of April 2014

Address for Service:

Chorus New Zealand Limited
PO Box 632
Wellington
Attention: Mary Barton

Telephone: 04 8964168
E-mail: mary.barton@chorus.co.nz

Other Contact Details for planning enquires:

Attention: Louise Miles
Telephone: 04 801 6862
Fax: 04 801 6865
E-mail: louise@incite.co.nz
Address: Incite
PO Box 2058
Wellington



Resource Management Act 1991
**Submission on a Publicly Notified Plan Change
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: *(print in full)*

This is a submission on Plan Change No. ...27... to the Wanganui District Plan. Closing Date:
 11/04/14

1. (a) ~~I could/could not~~* gain an advantage in trade competition through this submission. (**please delete one*).

(b) ~~I am/am not~~* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (**please delete one*).

2. The specific provisions of the proposed plan change that my submission relates to: **Refer attached**.....

.....

Use additional pages if required

3. My submission is that *(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):*

Support as attached.....

.....

.....

Use additional pages if required

4. I seek the following decision from the Council *(Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):*

Amend as attached

.....

.....

Use additional pages if required

5. I ~~do/do not~~* wish to be heard in support of this submission (**please delete one*).

6. If others make a similar submission I ~~would/would not~~* be prepared to consider presenting a joint case with them at any hearing (**please delete one*).

7. Address for service:
 ...101 Guyton Street, Wanganui.....

Signature: 

..... *(Person making submission or person authorised to sign on*

Day time phone No: ...549 0001..... *behalf of person making submission)*

Email:kevin.ross@wanganui.govt.nz..... **Date:** ...10/04/2014.....

Staff submission Flooding

Provision	Discussion
<p>RX2 Restricted Discretionary Activities The following are restricted discretionary activities provided they comply with the performance standards:</p> <ul style="list-style-type: none"> a. New buildings and structures in Flood Risk Area B b. Additions and alterations to existing buildings c. Subdivision to create boundary adjustments or conversion of leasehold to freehold titles <p>Council shall restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> i. The establishment of a suitable freeboard above the 200 year flood level on the subject site. ii. The provision of, and ability to achieve safe access/egress iii. The requirement for and provision of building design features that provide resilience for up to a 200 year flood event iv. The avoidance of significant diversion of flood flows as a result of the development <p><u>Note: For the purposes of this rule, critical and non-critical infrastructure are not buildings or structures.</u></p>	<p>The note has been added to ensure that Critical and Non-critical infrastructure are not unintentionally regulated twice.</p>
<p>RX4 Non-Complying Activities The following are discretionary non-complying activities:</p> <ul style="list-style-type: none"> a. Subdivision, excluding boundary adjustments or conversion of leasehold to freehold titles. b. New buildings and structures in Flood Risk Area A c. New buildings and structures and additions to existing buildings and structures that do not comply with performance standard RX5(4) b. Earthworks that do not comply with performance standard RX5(2)6 <p><u>Note: For the purposes of this rule, critical and non-critical infrastructure are not buildings or structures.</u></p>	<p>The term 'discretionary' is incorrect where as the Rule refers to non-complying activities. The note has been added to ensure that Critical and Non-critical infrastructure are not unintentionally regulated twice.</p>
<p>RX5 Performance Standards Buildings For all new buildings or additions to existing buildings, the following minimum freeboard level above the 0.5% AEP (200</p>	<p>The earthworks provisions have been separated out as an additional performance standard from RX5 as that standard focusses on buildings.</p>

<p>year event) shall be required:</p> <ul style="list-style-type: none"> a. 0.5 metres for occupied buildings, AND b. 0.2 metres for non-habitable buildings c. No freeboard will be required for carports and other similar non-enclosed structures d. Earthworks shall not alter the finished ground level does not alter the existing ground level when completed. <p><u>RX6 Earthworks</u> <u>Earthworks shall have a finished ground level that does not alter the existing.</u></p>	
<p>Building maintenance and minor works – With regard to the provisions for Flood Area A and B, means activities required to restore <u>buildings or structures</u> to a good or sound condition after decay or damage with similar materials of buildings and structures. This includes internal refurbishment and internal alteration, and excludes additions to the exterior footprint.</p>	<p>The definition has been modified to read more clearly.</p>

9 May 2014



James Witham
Wanganui District Council
PO Box 637
Wanganui Mail Centre
Wanganui 4540

File ref: RAI 04 07
BWG:KW

Private Bag 11025
Manawatu Mail Centre
Palmerston North 4442

P 06 952 2800
F 06 952 2929

www.horizons.govt.nz

BY EMAIL AND POST

Dear James

SUBMISSION TO PROPOSED PLAN CHANGES 33 AND 34

Please find enclosed Horizons Regional Council's submission to Proposed Plan Changes 33 and 34.

You will note that this submission is made after the closing date for submissions. I need to record that Horizons Regional Council was not notified of Proposed Plan Change 33 and 34 as required under s5(4)(d) of Schedule 1 of the Resource Management Act 1991. Please confirm that the submission is accepted.

Horizons acknowledges the opportunities that your Council provided for feedback on the provisions relating to Flood Hazard Risk and I believe the generally supportive submission to Proposed Plan Change 33 from Horizons reflects that pre-work.

Yours sincerely

A handwritten signature in black ink, appearing to read "Barry Gilliland".

Barry Gilliland
SENIOR POLICY ANALYST

Encl.

Kairanga

Merton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville

Resource Management Act 1991

Submission on a Publicly Notified Plan Change to the Wanganui District Plan

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

To: Wanganui District Council
PO Box 637
Wanganui

Name: Horizons Regional Council

Contact Person: Barry Gilliland, Senior Policy Analyst

This is a submission on:

**Proposed Plan Change 33 (Flooding Hazard); and
Proposed Plan Change 34 (Kai Iwi Coastal Hazard)**

1. I **could not** gain an advantage in trade competition through this submission.
 2. Late submission – This submission is provided after the closing date for submissions. The reason for the late submission is that Horizons Regional Council was not notified of Proposed Plan Changes 33 and 34 as prescribed under s5(4)(d) of Schedule 1 of the Resource Management Act 1991.
 3. The specific provisions of the proposed plan change that my submission relates to are outlined in **Annex A**.
 4. My submission points are detailed in **Annex A**.
 5. The decisions sought from Wanganui District Council are detailed in **Annex A**.
 6. I **do** wish to be heard in support of this submission.
 7. I would welcome any opportunity to attend informal or formal pre-hearing meetings with Wanganui District Council and other parties to discuss points of contention.
 8. If others make a similar submission I **would** be prepared to consider presenting a joint case with them to any hearing.
 9. **Address for Service:** Horizons Regional Council
Private Bag 11025
Palmerston North
- Day time phone No:** (06) 9522 904
Email: barry.gilliland@horizons.govt.nz

Signed:



Nic Peet
GROUP MANAGER STRATEGY AND REGULATION

Dated: 9 May 2014

Details of Horizons Regional Council submission to Wanganui District Plan Proposed Plan Changes 33 and 34

HRC – Horizons Regional Council
 WDC – Wanganui District Council

BACKGROUND

The Proposed One Plan, HRC’s Regional Policy Statement and Regional Plan, provides the basis for this submission. All appeals have been resolved either by decisions from the Environment Court or approval of mediation agreements by the Environment Court. As at 9 May 2014, it has not been made operative, but it has legal effect.

The provisions of district plans must give effect to the Regional Policy Statement and WDC’s response to this requirement is the focus of this submission.

PROPOSED PLAN CHANGE 33 (FLOODING HAZARD)

The key provisions in the Proposed One Plan relating to Proposed Plan Change 33 are found in Chapter 10. Objective 10-1 and Policies 10-1, 10-2 and 10-4 are particularly relevant.

It is considered that the approach taken to managing flood hazard the Proposed Plan Change generally implements the provisions of the Regional Policy Statement because they are designed to avoid or mitigate the adverse effects of flood hazard to people, property and infrastructure in a way that appears to be fit for purpose for Wanganui District.

The points identified in this submission are primarily made where it is considered the clarity and certainty of the provisions in the Proposed Plan Change can be improved.

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
Issue IX1	The Proposed Plan Change includes policies and rules relating to infrastructure, but infrastructure is not a matter addressed in IX1. The context for the rules and links between the provisions in the policy stream can be improved by the addition of the term “infrastructure” to	That Issue IX1 be amended as follows: <i>Much of the urban area of Wanganui is built upon the banks of the Whanganui River (Te Awa Tupua). Some of the lower lying areas towards the bottom of the catchment, along with some tributaries and</i>

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
	the issue statement. This amendment will also provide a clearer link to HRC's Regional Policy Statement.	<i>drains including Churton Creek and the Matarawa Stream, are prone to occasional flooding putting people, and property and infrastructure at risk.</i>
Objective OX1	The Proposed Plan Change includes policies and rules relating to infrastructure, but infrastructure is not a matter addressed in OX1. The context for the rules and links between the provisions in the policy stream can be improved by the addition of the term "infrastructure" to the objective statement. This amendment will also provide a clearer link to HRC's Regional Policy Statement.	That Objective OX1 be amended as follows: <i>Minimise the risk to people, and property and infrastructure from floodwater inundation.</i>
Policy 8.3.9	It is noted from clause 8.8.1 that the description of the zones where flood mitigation techniques (also defined as resilient building methods) are available as an option for flood hazard mitigation are the <i>Arts and Commerce zone and Riverfront zone</i> . It is assumed that WDC intends that Policy 8.3.9 apply to both these zones and for the purpose of clarity it is submitted that the policy be amended to include the full description.	That Policy 8.3.9 be amended as follows: 8.3.9 Flood mitigation within the <u>Arts and Commerce Zone and Riverfront Zones</u> <i>Utilise alternative flood hazard mitigation techniques within the <u>Arts and Commerce Zone and Riverfront Zones</u>.</i>
Policy 8.3.10	This policy signals that WDC intends to use the 1 in 200 year flood level as its trigger for managing subdivision and land-use development in floodable areas. This is consistent with HRC's Regional Policy Statement. It is submitted that the Policy be amended to improve the clarity and certainty of the policy intent for Plan users.	That Policy 8.3.10 be amended as follows: 8.3.10 Adopt a 1 in 200 year flood level <i>Subdivision and land use development must be managed <u>within any the area identified as being subject to inundated in a 1 in 200 year flood event, different flood hazard avoidance or mitigation methods are required.</u></i>
Policy PX4	It is submitted that the PX4 can be amended to improve the clarity and certainty of the policy intent for the end-user. The purpose of amendment is to make it clear that the intent of the policy is to avoid subdivision that increases the density of people and property put at risk of inundation in flood events up to the 1 in 200 year flood event.	That Policy PX4 be amended as follows: PX4 New allotments in floodable areas <i>Avoid subdivision which creates new allotments on sites within a flooding overlay where future development may increase the exposure of people and property to the impacts inundation by a 1 in 200 year flood event of flood inundation.</i>

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
Performance Standard 8.8.1	The term <i>resilient building methods</i> is a defined term in the Proposed Plan Change. It is recommended that this defined term be used in the performance standard for consistency. It is submitted that use of consistent terminology will improve the clarity of the provisions for Plan users.	That Performance Standard 8.8.1 be amended as follows: 8.8.1 <i>Within the Arts and Commerce zone and Riverfront zone, structures shall be required to meet the following:</i> <i>New buildings and additions to buildings are required to be designed and constructed <u>using resilient building methods or to either:</u></i> <i>a. Be protected from inundation; or</i> <i>b. Be able <u>the ability</u> to recover efficiently following inundation.</i>
RX1 Permitted Activities	It is not clear which performance standards are referred to in the Permitted Activity. It is assumed that these are likely to be the underlying zone standards and any relevant specific flood zone standards. It is submitted that RX1 be amended for the purpose of improving the clarity of the provision for Plan users.	That RX1 be amended as follows: RX1 Permitted Activities <i>The following are permitted activities (excluding sites within the Riverfront and Arts and Commerce Zones and Riverfront Zone) provided they comply with the performance standards <u>specified for Flood Hazard and any underlying zones:</u></i> <i>a. Earthworks</i> <i>b. Building maintenance and minor works</i> <i>c. Upgrades to critical infrastructure.</i> <i>d. New or upgraded non-critical infrastructure</i>
RX2 Restricted Discretionary Activities	It is not clear from the text how the discretion WDC reserves in clause i. to establish an appropriate floor or ground level relates to the discretion reserved over use of resilient building methods in clause (iii). To be consistent with the intent of HRC's Regional Policy Statement (Policy 10-2), an appropriate floor or ground level must be achieved before provision of other resilient building methods are considered. It is submitted that the rule be amended to provide both clarity and certainty for Plan users about this requirement. It is also submitted that the <i>Arts and Commercial Zone and Riverfront Zone</i> exclusion made in RX1 is an appropriate exclusion for RX2.	That RX2 be amended as follows: RX2 Restricted Discretionary Activities <i>The following are restricted discretionary activities <u>(excluding sites within the Arts and Commerce Zones and Riverfront Zone)</u> provided they comply with the performance standards:</i> <i>a. New buildings and structures in Flood Risk Area B.</i> <i>b. Additions and alterations to existing buildings.</i> <i>c. Subdivision to create boundary adjustments or conversion of leasehold to freehold titles.</i> <i>Council shall restrict its discretion to the following matters:</i> <i>i. The establishment of a suitable finished floor or ground level</i>

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
		<p><i>after allowing for freeboard above the 200 year flood level on the subject site.</i></p> <p>ii. <i>The provision of, and ability to achieve safe access/egress</i></p> <p>iii. <i>In addition to establishing a finished floor or ground level in clause (i) The requirement for and provision use of <u>resilient building methods design features that provide resilience mitigation</u> for up to a <u>1</u> in 200 year flood event.</i></p> <p>iv. <i>The avoidance of significant diversion of flood flows as a result of the development.</i></p>
RX3 Discretionary Activities	It is submitted that the <i>Arts and Commercial Zone and Riverfront Zone</i> exclusion made in RX1 is also an appropriate exclusion for RX3. This will assist with the clarity and certainty of the provisions for Plan users.	That RX3 be amended as follows: RX3 Discretionary Activities <u>The following are discretionary activities (excluding sites within the Arts and Commerce Zones and Riverfront Zone):...</u>
RX4 Non-Complying Activities	It appears that there is an important typographical error in this provision where the activity is described as discretionary when the intent is that they be non-complying. This submission point is made to ensure scope is available for correction. It is also submitted that the <i>Arts and Commercial Zone and Riverfront Zone</i> made for RX1 is an appropriate exclusion for RX4.	That RX4 be amended as follows: RX4 Non-Complying Activities <u>The following are discretionary non-complying activities (excluding sites within the Arts and Commerce Zones and Riverfront Zone):</u> a. <i>Subdivision, excluding boundary adjustments or conversion of leasehold to freehold titles</i> b. <i>New buildings and structures in Flood Risk Area A</i> c. <i>New buildings and structures and additions to existing buildings and structures that do not comply with performance standard RX5(1)</i>
RX5 Performance Standards	It is assumed that intent of clause d. of this performance standard is to manage adverse effects of earthworks on channel capacity to contain flood flows. It is considered that this clause can be amended to make its purpose both clearer and more certain for Plan users.	That RX5 be amended as follows: RX5 Performance Standards <i>For all new buildings or additions to existing buildings, the following minimum freeboard level above the 0.5% AEP (200 year event) shall be required:</i> a. <i>0.5 metres for occupied buildings, AND</i>

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
		<p>b. 0.2 metres for non-habitable buildings</p> <p>c. No freeboard will be required for carports and other similar non-enclosed structures</p> <p>d. Earthworks shall not alter the finished <u>the existing</u> ground level in a manner that diverts flood flows or adversely affects <u>channel capacity</u> does not alter the existing ground level when completed.</p>
<p>Definition – Safe access</p>	<p>It is noted that this definition reflects the wording in Policy 10-2(d)(ii) of HRC’s Regional Policy Statement. That policy also allows for other combinations of depth and velocity that can be shown to result in no greater risk to human life, infrastructure or property. It is submitted that WDC may wish to also allow this discretion and an appropriate amendment consistent with HRC’s Regional Policy Statement is proposed.</p> <p>It is also submitted that the definition can be amended to make the terminology consistent with that used in RX2.</p>	<p>That the definition for safe access be amended as follows:</p> <p><u>Safe access/egress</u> – <i>With regard to the provisions for Flood Area A and B, means an area that provides passage from a building to a site that is free from inundation for evacuation or access through flood waters that are no deeper than 0.5 metres and have a velocity of more than 1m/s in a 200 year flood event, <u>or some other combination of water depth and velocity that can be shown to result in no greater risk to human life, structures or property.</u></i></p>
<p>Definition – 100 year flood event and Definition – 200 year flood event</p>	<p>The Proposed Plan Change uses the terms Flood Risk Area A and Flood Risk Area B as triggers for restricted discretionary and non-complying activity status. The boundaries for these areas are defined on the Proposed Plan Change planning maps as the 200 Year Event and 100 Year Event flood levels. These levels are shown as lines on the planning maps without demarcation of an area on the maps or a clear description of the area in the Proposed Plan Change text.</p> <p>It is submitted that the area covered by these Flood Risk Areas needs to more clearly defined. It is acknowledged that there are several ways of doing this. The option detailed in this submission relates to amending the definitions to describe the areas, however, the same clarity could be achieved by marking the areas described on the maps as an alternative. HRC would be comfortable in considering other methods of providing more certainty provided they achieve the same outcome.</p>	<p>That the definitions be amended as follows:</p> <p><u>Flood Risk Area A 100-year-flood event</u> – <i>Means the area <u>between the lines marked as Flood Level 100 Year Event on the Wanganui District Planning Maps shown in Flood Area A that identifies the modelled and estimated physical extent of flood waters in an event with an Annual Exceedence Probability (AEP) of 1%</u></i></p> <p>and</p> <p><u>Flood Risk Area B 200-year-flood event</u> – <i>Means the area <u>between the lines marked as Flood Level 200 Year Event and Flood Level 100 Year Event on the Wanganui District Planning Maps shown in Flood Area B that identifies the modelled and estimated physical extent of flood waters in an event with an Annual Exceedence Probability (AEP) of 0.5%</u></i></p>

Proposed Plan Change 33 Provision submission relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
Consequential Changes and other relief as part of decisions		For all submission points HRC also seeks: <ol style="list-style-type: none"> 1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and 2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.

PROPOSED PLAN CHANGE 34 (KAI IWI COASTAL HAZARD)

The key provisions in the Proposed One Plan relating to Proposed Plan Change 34 are found in Chapter 10. Objective 10-1 and Policy 10-5 are particularly relevant. Policy 10-5 directs HRC and WDC to manage future development and activities in areas susceptible to natural hazard events in a manner which ensures that any increase in the risk to human life, property or infrastructure is avoided where practicable, or mitigated where the risk cannot be practicably avoided

The New Zealand Coastal Policy Statement 2010, particularly Policies 24 and 25, is also relevant to the provisions set out in this Proposed Plan Change. Policy 25, amongst other things, directs HRC and WDC to avoid increasing the risk of social, environmental and economic harm, and avoid redevelopment or change in land use in areas potentially affected by coastal hazards over the next 100 years.

It is considered, in part, that approach taken to managing Kai Iwi coastal hazard is not consistent with the intent of the New Zealand Coastal Policy 2010 and the Proposed One Plan. This is focus of HRC's submission.

Proposed Plan Change 34 Provision Submission Relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
<p>8.8.5 Restricted Discretionary Activities</p>	<p>It is noted that the following zones are identified in the eCoast Report, <i>Mowhanau Cliff Line Retreat Review</i>, 2012:</p> <p><i>Extreme Risk Zone (ERZ)</i> which is or is likely to be subject to the effects from catastrophic landslip at any point in time in any one year;</p> <p><i>High-moderate Risk Zone (H-MRZ)</i> which is or likely to be subject to long term retreat based on a 100 year projection; and</p> <p><i>Safety Buffer Zone (SBZ)</i> which is or is likely to be subject to the adverse effects from natural hazards should the rates of erosion accelerate and/or cliff slope angle reduces.</p> <p>It is submitted that controlling any new subdivision of land that would result in increased density of people or property, and erection of any new occupied structure in the High-Moderate Risk Zone as a restricted discretionary activity is not consistent with the New Zealand Coastal Policy and Regional Policy Statement. Specifically, it is not consistent with avoiding an increase in the risk of social, environmental and economic harm,</p>	<p>That 8.8.5 Restricted Discretionary Activities be amended as follows:</p> <p><i>8.8.5 Restricted Discretionary Activities</i> <i>The following shall be restricted discretionary activities for which a resource consent application must be made and consent may be granted subject to conditions, or declined.</i></p> <p>a. <i>Erection of any building or structure, in the Safety Buffer or High-Moderate Risk Area.</i></p> <p><u>aa. Erection of any non-habitable building or structure in the High-Moderate Risk Area.</u></p> <p>b. <i>Extension/alteration to, any building or structure, in the Safety Buffer or High-Moderate Risk Area.</i></p> <p>c. <i>Demolition of a building or structure in the High-Moderate Risk Area.</i></p> <p>d. <i>Earthworks or vegetation clearance.</i></p> <p>e. <i>Subdivision of land in the Safety Buffer Area and High-Moderate Risk Area other than allowed by a Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).</i></p> <p>f. <i>The installation, alteration or removal of works designed to mitigate the effects of coastal hazards.</i></p> <p>g. <i>The erection, maintenance or construction of any network utility in</i></p>

Proposed Plan Change 34 Provision Submission Relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
	<p>and avoid redevelopment or change in land use in areas potentially affected by coastal hazards over the next 100 years</p> <p>It is acknowledged that WDC is planning to undertake a full review of coastal hazards and risk management options in the future. However, it is also noted that direction is provided in both the New Zealand Coastal Policy Statement and Regional Policy Statement to the effect that plan changes to give effect to their provisions must be made as soon as practicable or on the first review or change or variation.</p> <p>This Plan Change process is an opportunity to implement both these documents for the Kai Iwi Coastal Hazard Zone. It is submitted that the amendments sought in the submission are consistent with the objectives and policies of Chapter 8 of the Wanganui District Plan, in particular the precautionary approach outlined in Policy 8.3.3.</p>	<p><i>the Safety Buffer Area and the High-Moderate Risk Area.</i></p> <p><i>Council's discretion is restricted to:</i></p> <ol style="list-style-type: none"> <i>i. Whether the proposal would be consistent with the objectives and policies relating to the Recognition and Reduction of Hazard Potential as set out in Topic T7.</i> <i>ii. The extent to which activities and buildings and structures can be relocated or demolished with minimal disturbance to the site or adjacent site.</i> <i>iii. The degree to which the proposal is likely to:</i> <ul style="list-style-type: none"> <i>• Accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by erosion.</i> <i>• Be subject to erosion or cliff failure.</i> <i>• Reduce the net risk of coastal hazards.</i> <i>• Provide for the disposal of stormwater and wastewater including discharges from septic tanks.</i> <i>iv. Whether, within the High-Moderate Risk Area or Safety Buffer Area, consent should be granted for a limited duration.</i> <p>8.8.6 Prohibited Activities <i>The following are prohibited activities for which no resource consent shall be granted:</i></p> <ol style="list-style-type: none"> <i>a. The erection of or extension to, any building or structure other than structures for coastal management in the Extreme Risk Area.</i> <i>aa. <u>Erection of any occupied building or structure in the High-Moderate Risk Area.</u></i> <i>b. <u>Subdivision of land in the Extreme Risk Area and High-Moderate Risk Area other than allowed by Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).</u></i> <i>c. Installation of septic tanks or soakage pits in the High-Moderate Risk Area and the Extreme Risk Area.</i> <i>d. Construction of any new network utility in the Extreme Risk Area.</i>
<p>Consequential changes and other relief as part of decisions</p>		<p>For this submission point HRC also seeks:</p> <ol style="list-style-type: none"> 1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and

Proposed Plan Change 34 Provision Submission Relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
		2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.

**NOTICE OF SUBMISSION TO PROPOSED PLAN CHANGE 33 (FLOOD HAZARDS) ON THE WANGANUI
DISTRICT PLAN**

To: Wanganui District Council
PO Box 637
Wanganui

Rachael.pull@wanganui.govt.nz

Submitter: Powerco Limited
Private Bag 2061
New Plymouth 4342

Address for Service: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna,
AUCKLAND 0740

Attention: Kathryn Akozu

Phone: (09) 917-4302

Fax: (09) 917-4311

Email: kakozu@burtonconsultants.co.nz

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's second largest gas and electricity Distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. Powerco supplies electricity to the whole of the Wanganui District.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

1. This submission relates specifically to the following provisions of the Proposed Plan Change 33 (Flood Hazards) to the Wanganui District Plan (*the District Plan*).
 - Policies PX 1,2 and 5
 - Rule RX 1
 - Rule RX 3
 - Definition of "Critical Infrastructure"
 - Definition of "Upgrades"

C. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

- (i) **ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- (ii) **DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on and behalf of Powerco Limited



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Kathryn Akozu
Senior Planner

Dated this day of 27th March 2014



SCHEDULE ONE: OBJECTIVES AND POLICIES

A. The specific part of the District Plan that is the subject of this submission is:

- Policy PX 1
- Policy PX 2
- Policy PX 5

B. Reason for Submission:

1. Powerco supports policies PX1 and PX 2 and seeks that they are retained in the Plan change without modification.
2. Powerco supports proposed Policy PX5 and seeks that it be retained in the Plan Change without modification. Policy PX5 is consistent with Policy 10-4 New Critical Infrastructure in the One Plan which is important for the management of critical infrastructure throughout the Manawatu-Wanganui region. It is noted that this policy only relates to the location of new critical infrastructure in hazard areas, and does not apply to existing critical infrastructure which is already established.

A. Relief Sought:

1. Retain without modification Policy PX 1 as follows:

New buildings in flood prone areas

Avoid the erection of new buildings in areas of higher probability of floodwater inundation (Area A) where this may induce or accelerate the impacts of flooding on people and property.

2. Retain without modification Policy PX 2 as follows:

Reduce risk to existing buildings

Reduce the impacts of floodwater inundation in flood prone areas, by requiring that alterations or additions to existing buildings and structures adopt resilient building methods.

3. Retain without modification Policy PX 5 as follows:

Avoid the establishment of new critical infrastructure within a flood risk overlay unless there is satisfactory evidence to show that critical infrastructure;

- a. *Will not be adversely affected by a 1 in 200 year flood event*
 - b. *Will not cause any adverse effects on the environment in the event of a flood*
 - c. *Is unlikely to cause a significant increase in the scale or intensity in the event of a flood*
 - d. *Cannot be reasonably located in an alternative location.*
4. **Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submission as a result of the matters raised.**

SCHEDULE TWO: PERFORMANCE STANDARDS
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A. The specific part of the District Plan that is the subject of this submission is:

- Rule RX 1 - opposed
- New Rule
- Rule RX 3 - supported

B. Reason for Submission:

1. Powerco seeks to ensure that existing critical infrastructure within flood hazards can continue to be upgraded and that new and upgraded non-critical infrastructure is a permitted activity in the Flood Hazard Zones. Powerco considers that non-critical infrastructure such as electricity cables, poles and transformers are appropriate in flood hazard areas as such structures can be designed to withstand flood events and water damage. Powerco will endeavour to avoid locating above ground structures in flood hazard areas, but in some cases it may not be possible to avoid areas where the assets are required to supply an area with electricity.
 2. Rule RX 1 does achieve this, however compliance with the performance standards in proposed Rule RX 5 would be required. These performance standards relate to building platforms and are not relevant for network utilities such as electricity poles, transformers and substations. Therefore Powerco requests that a separate rule is included in the Plan Change that provides for upgrading of existing critical infrastructure and new and upgraded non-critical infrastructure as a permitted activity and which is not subject to any performance standards.
 3. Powerco supports new critical infrastructure being a discretionary activity in flood hazard areas and therefore Rule RX3 should be retained without modification.
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C. Relief Sought:**1. Amend Rule RX 1 to as follows:**

The following are permitted activities (excluding sites within the Riverfront and Arts and Commerce zones) provided they comply with the performance standards:

- a. *Earthworks*
- b. *Building maintenance and minor works*



- ~~c. Upgrades to critical infrastructure.~~
- ~~d. New or upgraded non-critical infrastructure~~

2. Include a new permitted activity rule for minor upgrades of critical infrastructure and as follows:

The following are permitted activities:

- a. Minor upgrades to critical infrastructure.
- b. New or minor upgrades of existing non-critical infrastructure

3. Retain without modification Rule RX 3 as follows:

The following are discretionary activities:

- a. *New critical infrastructure and works to critical infrastructure not provided for as Permitted or Restricted Discretionary Activities*
- b. *Earthworks that do not comply with performance standard RX5(2)*

4. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submission as a result of the matters raised.

SCHEDULE THREE: DEFINITIONS

A. The specific part of the District Plan that is subject of this submission is:

- Definition of “Critical Infrastructure” - supported
- Definition of “Upgrades” – supported subject to minor amendment.

B. Reason for Submission:

1. Powerco supports the definition of “critical infrastructure” as it is consistent with the definition in the One Plan.
2. Powerco seeks that the definition of “upgrades” be amended to refer to “minor upgrading” this reference better reflects the activities that are undertaken in accordance with the definition. Powerco supports the proposed definition of minor upgrades as it is not an inclusive definition but provides guidance for the types of activities that can be considered “minor upgrades” in relation to network utilities.

B. Relief Sought:

1. Retain without modification the definition of “critical infrastructure” as follows:

***Critical infrastructure** - With regard to the provisions for Flood Area A and B, means infrastructure necessary to provide services which, if interrupted, would have a serious effect on the people within the Region or a wider population, and which would require immediate reinstatement. Critical infrastructure includes infrastructure for:*

(a) electricity substations

(b) strategic road and rail networks

(c) telecommunications cabinets and cellular service infrastructure

2. Amend the definition of “upgrades” as follows:

***Minor Upgradings** – With regard to the provisions for Flood Area A and B, means works to provide for an increase in carrying capacity, efficiency, or security of electricity and telecommunication facilities, utilising existing support structures or structures of a similar scale or character and includes:*



- (i) the addition of circuits and/or conductors;*
- (ii) the reconductoring of the line with higher capacity conductors;*
- (iii) the resagging of conductors;*
- (iv) the addition of longer more efficient insulators;*
- (v) the addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods);*
- (vi) the replacement or alteration of an existing telecommunication antenna.*
- (vii) the widening of existing roads.*

Minor upgrading does not include:

- (i) an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage*

3. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submission as a result of the matters raised.