

Councillors

WANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
Proposed Plan Change 33 – Flood Hazard

Meeting Date: **4 November 2014**

Prepared for Chief Executive by: **Brenda O’Shaughnessy**

1.0 SUMMARY

- 1.1 Council is presently reviewing the District Plan in Phases. This Plan Change is part of the fifth phase of changes proposed to the Plan.
- 1.2 The purpose of Proposed Plan Change 33 (PC33) is to update the existing 100 and 200 year flood risk extents on the District Plan maps, along with implementing new flood provisions to partially ‘give effect’ to Section 10 of the Horizon’s One Plan.

RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. accepts the late submission by Horizons Regional Council.
3. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991.
4. accepts, accepts in part or rejects the submissions as set out in Section 8 of the Report for the reasons given.
5. adopts Proposed Plan Change 33 to the Wanganui District Plan as amended by decisions on submissions.

Appendices:

- 1: Copy of the Public Notice**
- 2: Submissions Received**
- 3: Marked- Up Version of Plan Change 33 following Submissions**
- 4. Proposed District Plan Maps**
- 5: Section 32 Evaluation**

2.0 INTRODUCTION

- 2.1 The banks of the Te Awa Tupua (Whanganui River), have been settled by both Maori and Europeans for hundreds of years, particularly in its lower reaches. During this time the River has intermittently flooded causing damage to property and infrastructure.
- 2.2 The Local Government Act 2002 and Resource Management Act 1991(the Act) both require Councils to manage various aspects of natural hazards. This is supplemented by the provisions of Regional Policy Statements (Horizons One Plan) who define specific responsibilities and frameworks for natural hazard management, which the Wanganui District Plan must 'give effect to.

PC33 includes identification of the extent of the flood hazard on the Plan maps, and additional objectives, policies and rules to reduce risk to people and property through managing use of land potentially affected by a 200 year flood event.

3.0 PROPOSED PLAN CHANGE

3.1 Purpose

The purpose of PC33 is to 'give effect' to the flooding provisions of Section 10 – Natural Hazards of the Horizons One Plan in conjunction with the ten year review of the Wanganui District Plan.

PC33 includes the identification of the extent of potential flood hazard on the Plan maps, and additional objectives, policies and rules to reduce risk to people and property through managing land use for a 200 year flood event.

Council has adopted the model for the Lower Whanganui Catchment provided by Horizons Regional Council to identify areas at risk of inundation by floodwater. Council is satisfied this information is sufficiently robust and fit for purpose.

Changes to the District Plan text as a result of submissions are included as marked up text in Appendix 3. Proposed changes to Plan maps are found in Appendix 4.

3.2 Background Research

The Operative District Plan already partly manages the effects of land use on the flood hazard risks, with provisions introduced by Plan Change 21 relating to the Arts and Commerce and Riverfront zones. These Plan provisions are not part of Plan Change 33, except where specified in this report.

The Operative Plan maps have identified the outer extent of a 1 in 50 year and 1 in 100 year flood event for a number of years. The extent of a 1 in 200 year flood event was modelled and provided by Horizons and adopted into the Plan in Phase 1 of the Review, but rules were only applied to the Riverfront and Arts and Commerce zones. Since the inclusion of these flood hazard lines in the Plan by Plan Change 21, flood avoidance structures have been constructed at Balgownie and, as a result, the Horizons flood hazard model has been updated and the District Plan maps need to be amended to reflect this.

In addition, relevant appeals to Horizons' Proposed One Plan have been resolved. Chapter 10 requires WDC to do more to manage land use subject to a 200 year flood hazard than under the Operative Plan. Plan Change 33 proposes new objectives, policies and rules and amends some existing Plan provisions, to more appropriately manage land use within areas identified as potentially subject to a 1 in 200 year flood event.

A review of how other territorial authorities in the Region were implementing Section 10 of the One Plan was conducted. In addition, a range of best practice material was reviewed in relation to resilient building methods, climate change, and how Civil Defence and Emergency Management integrates with managing flood hazards.

4.0 PROCEDURAL MATTERS

4.1 Consultation

Consultation with a range of stake holders, in accordance with the requirements of Schedule 1, was undertaken as part of formulating the proposed Plan change. This included the Tupoho Working Party, as Tupoho is Iwi with responsibility for matters regarding the lower part of the Awa.

Throughout the process, Council has had on-going dialogue with Horizons regarding their 200 year flood extent model, and how to implement the provisions of Section 10 of the Proposed One Plan.

Initially, wider consultation was undertaken to provide information about the extent of a 200 year flood. This included all affected property owners and occupiers, Iwi, and other stakeholders like network utility operators and sports clubs. Stakeholders were invited to a meeting that both Wanganui District Council and Horizons Regional Council officers attended. It was after this point that the information was made available to the general public with the information being distributed on Council's District Plan Review website – Shaping Wanganui.

Draft provisions were mailed out to stakeholders and affected owners and occupiers first, with the general public being given an opportunity through the Shaping Wanganui website to make comment. Further informal dialogue with stakeholders about the draft Plan change has been undertaken and other feedback received.

The following parties were consulted:

Iwi representatives on Council Working Party.	Monthly update and discussion of the progress through the various topics of Phases 5.
Tupoho Working Party	Discussed at two meetings – June 19 and September 11 2013 and on-going dialogue with members.
Affected owners, occupiers and other stakeholders	Stake holder meeting and provision of link to flood mapping - Tuesday 27 August 2013 – Wanganui Girls College. Meeting notes were sent to attendees Link to GIS, of map of the draft flood hazard lines for feedback, and a public meeting with Horizons flooding engineer in attendance. Draft provisions circulated and feedback sought prior to notification.
Horizons Regional Council	On-going meetings and dialogue
	Link on website to proposed flood hazard maps. Feedback sought on draft provisions. General public - regular newsletters on Shaping Wanganui & Shaping Wanganui website linked from Council website with feedback invited at all stages

4.2 Key Statistics

PC33 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on Thursday 13 March 2014, with the period for submissions closing on 12 April 2014. A copy of the public notice is included as Appendix 1.

A total of 5 submissions, were received at the close of submissions. One additional late submission was received. Copies of submissions received are included in Appendix 2.

All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on Friday 13 June 2014. No further submissions were received.

4.3 Late Submission

One late submission was received, prior to notification of the summary of further submissions. No one is adversely affected or prejudiced by acceptance of this submission.

5.0 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

5.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - i. *the avoidance or mitigation of natural hazards*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act.

In accordance with Section 5 of the Resource Management Act, Proposed Plan Change 33 has been developed with a focus on providing for the community’s health

and safety whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.

Section 6 of the Resource Management Act 1991 requires all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, to recognise and provide for matters of national importance, including:

- (a) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
- (b) *The relationship of Maori and their cultural and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Plan Change 33 is consistent with Section 6 of the RMA 1991 as it introduces objectives, policies and rules that will ensure future subdivision and development will not worsen or accelerate any risk of flooding for people or property near the River, which could otherwise indirectly compromise access to the River.

Section 7 matters to which particular regard shall be had in assessing this Plan change are:

- (b) *the efficient use and development of natural and physical resources....*
- (i) *the effects of climate change*

Horizons Regional Council (Horizons) has supplied the flood hazard data which is proposed to be mapped in the District Plan. This takes account of the risks to people, property and the effects of climate change as a matter of course.

PC33 identifies areas prone to flooding and addresses particular issues associated with subdivision, use or development of sites within such areas. Council is acting constructively and proactively to inform the Community about known hazards and their extent. This will assist landowners to make decisions in full knowledge of the potential risks and potential costs. In addition Council proposes to assess development on a case by case basis, subject to specified criteria. This will also facilitate an informed decision to enable efficient use and development of land in these hazard prone areas. In turn such an approach will facilitate maintenance of the quality of the environment.

5.2 National Policy Statements and Environmental Standards

There are no National Policy Statements or National Environmental Standards relevant to this Plan Change.

5.3 Regional Policy Statement

In addition, the RMA requires District Plan provisions 'give effect' to the Regional Policy Statement (RPS) (section 75(3)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

The Horizon's RPS is contained within the Proposed One Plan along with the Regional Plan and Regional Coastal Plan. Section 10 of the Proposed One Plan addresses natural hazards.

The focus of Section 10 is set by Objective 10-1 which states:

"The adverse effects of natural hazard events on people, property, infrastructure and the well-being of communities are avoided or mitigated."

While Objective 10-1 refers to either avoidance or mitigation, Policy 10-2(c) states that avoidance should be preferred to mitigation.

Section 10 also allocates regulatory functions, with joint responsibility for the provision of information, but retains sole responsibility for region wide policies and objectives (including coastal land and activities on the beds of lakes and rivers), and collecting and analysing information regarding regional natural hazards. Whereas Wanganui District Council (WDC) is required to develop objectives, policies and other methods to control the use of land to avoid or mitigate natural hazards.

In addition to the allocation of roles and responsibilities, the One Plan also has policies that guide the management of development in flood prone areas, new critical infrastructure and climate change. Key areas include the requirement to use a 200 year return flood event, guidance as to where mitigation may be appropriate, the use of freeboard, and suitable evacuation safe areas.

A specific area located between the Awa, Bates Street, Ridgeway Street and Victoria Avenue is identified in Policy 10-2(ea) which identifies that minimum floor heights, flow and resilient building methods should be considered in this area. This area corresponds to the Arts and Commerce Zone and Riverfront Zone established by Plan Change 21 in Phase 1 of the District Plan Review.

Plan Change 33 gives effect to the One Plan objective 10 -1 and the related policies.

6.0 ISSUES RAISED IN SUBMISSIONS

6.1 Concerns raised by submitters included:

6.1.1

6.1.2

7.0 SECTION 32 EVALUATION

7.1 The Act requires that when a Council undertakes a plan change that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation.

7.2 A re-evaluation has been completed as required by s32A of the Act, to reflect changes proposed as a result of submissions (refer to Appendix 5)

8.0 SUBMISSION ANALYSIS

The following are the assessment of submissions and further submissions with recommendations by the Planning Officer.

8.1 Submitter Name: Chorus New Zealand Limited (Chorus)

Submission Number: 1.1c33

Summary:

PC33 is unclear and unworkable in that:

- Not clear how parts of the definition of critical infrastructure relates to associated lines, above or below ground, nor how new buildings and structures associated with telecommunications relate to the land use rules.
- Some references to rules do not appear in the text.
- Error indicating that provisions under Rule ~~8.8.4~~~~RX4~~, are Discretionary Activities, where the Rule is intended for Non-complying Activities.

The Plan change is also unreasonably restrictive in the way it manages telecommunication and radio communication facilities.

Decision Sought:

The submitter seeks the following:

- a) Amend the definition of Critical Infrastructure to include all telecommunications and include these as Permitted Activities.
- b) Amend Discretionary rule to specifically include telecommunications as critical infrastructure.
- c) Make it clear that provisions for minimum freeboard and new buildings and structures do not apply to telecommunications infrastructure.
- d) Correct referencing errors.

Officer Comments:

- With regard to the submitter's decision point a, the One Plan definition of 'critical infrastructure' does not include distribution network structures such as lines and poles. To clarify this, it is recommended that they be specifically excluded from the definition of '*critical infrastructure*'. Such infrastructure then becomes non-critical Infrastructure and falls under ~~8.8.1(d)~~~~RX4~~ as a Permitted Activity.
- All other telecommunications should be retained as their role in readiness and response to a disaster event has significantly grown through the use of mobile data for social media sites. It is therefore increasingly vital for this infrastructure to function during a natural disaster.
- With regard to point b, the amended definition of *critical infrastructure* makes a specific reference to 'telecommunications' no longer necessary in ~~8.8.3~~~~RX3~~.
- With regard to point c, given that support structures are not *critical infrastructure*, and a misinterpretation of the intended provision could result in applying controls twice, it is reasonable to exclude buildings and structures associated with infrastructure. This should apply to both ~~8.8.4~~~~RX4~~ and ~~8.8.2~~~~RX2~~ with specific exclusions in ~~8.9.2~~~~RX5~~. In addition, it is recognised that non-critical Infrastructure are not intended to be managed and therefore no freeboard should be required, nor for overhead lines and support structures. Freeboard is more reasonably applied to *critical infrastructure* where this will protect the level of service during a 200 year flood event.

- With regard to point d, referencing errors have been corrected.

Officer Recommendations:

That submission 1.1c33 from Chorus New Zealand Limited (Chorus) be **accepted in part** and the following changes be made to the proposed text:

Amend Chapter 13 – Definitions as follows:

Critical infrastructure...

(c) telecommunications cabinets and cellular service infrastructure, excluding underground and overhead services and associated support structures.

Amend proposed Rules 8.8.2~~RX2~~ and 8.8.4~~RX4~~ by inserting the following:

Note: For the purposes of this rule, buildings or structures associated with critical and non-critical infrastructure are excluded.

Amend proposed Rule RX5 as follows:

8.9.2~~RX5~~ — Performance Standards

For all new buildings or additions to existing buildings, the following minimum freeboard level above the 0.5% AEP shall be required:.....

- c. No freeboard will be required for:
 - i) carports and other similar non-enclosed structures, and,
 - ii) non-critical infrastructure, and;
 - iii) either overhead or underground critical infrastructure, and;
 - iv) other critical infrastructure where inundation by floodwater in a 200 year event will not adversely affect the level of service provided.

Amend Rules 8.8.3 ~~RX3~~ and 8.8.4 ~~RX4~~ to read:

8.8.3 ~~RX3~~ Discretionary Activities

The following are discretionary activities:....

- b. Earthworks that do not comply with performance standard ~~RX5(2)~~ **8.9.3.**

8.8.4~~RX4~~ — Non-Complying Activities

The following are discretionary non-complying activities:.....

- c. New buildings and structures and additions to existing buildings and structures that do not comply with performance standard 8.9.2~~RX5~~(1)

8.2 Submitter Name: KiwiRail Holdings Limited (KiwiRail)**Submission Number: 2.1.c33**Summary:

KiwiRail notes that there are discrepancies between the 's32 evaluation' and 'marked up text' versions of PC33 Notification Report; That the provisions provide no benefit to KiwiRail's level of service in a 200 year event, and requests that the rules be more permissive, and easier to interpret.

Decision Sought:

The submitter seeks the following:

- a. Clarification on provisions intended to apply (S.32 or marked-up text);
- b. Replace 'AND', with 'OR' in the marked-up version of ~~PX5~~-8.3.16;
- c. Remove the requirement for consent for upgrades to rail infrastructure outside Designation (D204);
- d. Provide for new critical infrastructure as Restricted Discretionary Activities;
- e. Ensure maps are labelled correctly and are easy to read.

Officer Comments:

With regard to the submitter's decision points a and b, it is noted that the Officer intended the latter version to apply, where discrepancies have occurred. This relates to provision ~~RX1~~ 8.8.1 which refers to 'upgrades' and ~~PX5~~-8.3.16 regarding the location of critical infrastructure in floodable areas. The strikethrough version of the notified ~~PX5~~-8.3.16 more closely aligns with the provisions in Policy 10-4 of the One Plan. No change is needed to policy 8.3.16.

With regard to point c, the provisions of Section 10 of the One Plan, in particular Objective 10-1, and Policy 10-2(b) and (c), and Policy 10-4 all signal that avoidance of new critical infrastructure in the flood hazard area is the preferred option. Therefore, a permitted activity status is considered inappropriate.

However, it is noted that the definition of 'critical infrastructure' in the One Plan refers to the definition of 'strategic transport network' contained in the Regional Land Transport Strategy. This includes the Marton-New Plymouth rail line, but not the Wanganui branch line. It is reasonable to specify that, with regard to rail, only the Marton – New Plymouth line is considered 'critical infrastructure'. Therefore, additional works on the Wanganui line, potentially most affected by the 200 year flood event, and outside Designation D204 should not require resource consent.

With regard to d, as discussed above, Section 10 of the One Plan, avoidance for new critical infrastructure is the preferred option. Given the recommendation to amend the definition of 'critical infrastructure' to exclude the Wanganui branch line, consent would not be required for this part of the network in relation to flood hazard. In addition, for activities defined as critical infrastructure, a precautionary approach (as required by 10-2(c) of the One Plan) would classify critical infrastructure in ~~RX3~~ 8.8.3 as discretionary activities.

Final PC33 map information will be incorporated into the District Plan maps. The next round of maps produced will show hazard information presented on a separate map series, to reduce the complexity.

Officer Recommendations:

That submission 2.1c33 from KiwiRail Holdings Limited (KiwiRail) be **accepted in part** and the following changes be made to the proposed text:

Amend the Chapter 13- Definitions as follows:

Critical infrastructure -

(a) *electricity substations*

(b) *strategic road and rail networks (excludes the Wanganui Branch Rail Line).....*

8.3 Submitter Name: Wanganui District Council

Submission Number: 3.1.c33

Summary:

The provisions could imply that critical and non-critical infrastructure are regulated as 'buildings and structure', therefore regulating twice. Typographical error in ~~RX4~~ 8.8.4 referring to 'discretionary activities'. Improve clarity regarding earthworks. Improve the clarity in the definition of 'Building maintenance and minor works'.

Decision Sought:

The submitter seeks the following:

- a. Exclude critical and non-critical infrastructure from ~~RX2~~ 8.8.2,
- b. Replace 'discretionary' with 'non-complying' in ~~RX4~~ 8.8.4,
- c. Separate earthworks provisions from ~~RX5~~ 8.9.2,
- d. Clarify the provisions in the definition of 'Building maintenance and minor works'.

Officer Comments:

The Submitter's decision point a, is accepted. Misinterpretation could also occur in ~~RX4~~ 8.8.4. It is recommended that both ~~RX2~~ 8.8.2 and ~~RX4~~ 8.8.4 be amended to clarify building and structures associated with infrastructure are not intended to be managed.

With regard to points b and d, the minor corrections and amendments are accepted.

With regard to point c, ~~RX5~~ 8.9.2 as proposed is focussed on the floor levels for buildings. It is accepted that earthworks would be more appropriately dealt with in another standalone provision.

Officer Recommendations:

That submission 3.1.c33 Wanganui District Council be **accepted** and the following changes be made to read:

Amend proposed Rules 8.8.2~~RX2~~ and 8.8.4~~RX4~~ by inserting the following:

Note: For the purposes of this rule, buildings or structures associated with critical and non-critical infrastructure are excluded.

Amend Rule 8.8.4 to read:

~~RX4~~ 8.8.4

Non-Complying Activities

The following are discretionary non-complying activities

Delete the following from Rules 8.9.2 and Insert a new Rule 8.9.3 to read:

~~RX5 8.9.2~~

~~Earthworks shall not alter the finished ground level does not alter the existing ground level when completed.~~

8.9.3 Earthworks

Earthworks shall not alter the existing ground level in a manner that diverts flood flows or adversely affects channel capacity.

Amend Chapter 13 Definitions to read:

Building maintenance and minor works – *With regard to the provisions for Flood Area A and B, means activities required to restore buildings or structures 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.*

8.4 Submitter Name: Horizons Regional Council

Submission Number: 4.1.c33

Summary:

Submitter states that the Plan Change should refer to infrastructure throughout the policy stream (Issues, Objectives Policies etc) to reflect One Plan provisions. In addition, improve the clarity of provisions to;

- a. identify the names of the 'Riverfront Zones' in relevant provisions and exclude these zones where provisions are not intended to apply.
- b. articulate the intent of 8.3.15PX4 (avoidance of Subdivision) and 8.9.2RX5.
- c. ensure the definition of resilient building methods is related to Performance Standard 8.8.1.
- d. identify the relevant Performance Standards in the Permitted Activity rule 8.8.1RX1.
- e. identify that the One Plan requires consideration of resilient building techniques only after suitable floor heights and freeboard has been provided for.

Notes the typographical error in 8.8.4RX4.

Better align the definition of safe access with the One Plan. Better identify Flood Area A and B on the Planning maps and improve their definition.

Decision Sought:

The submitter seeks the following:

- a. The word 'infrastructure' included in 8.1.5IX1 and 8.2.4OX1, and any other location in the Plan Change to align with the One Plan.
- b. The words 'Arts and Commerce Zone and Riverfront Zone' to replace any references in the Plan Change to 'the Riverfront Zones'.
- c. Amend 8.3.10, and 8.3.15PX4 to improve clarity around the policy intent.
- d. Amend to be more explicit which Rules do and don't apply to the Arts and Commerce Zone and Riverfront Zone'
- e. Amend 8.8.1 to use improve policy intent and to use the term 'resilient building methods'

- f. Amend to be more explicit which performance standards are being referred to in 8.8.1~~RX~~4.
- g. Amend 8.8.2~~RX~~2 to illustrate that the minimum floor height provision is to be achieved before resilient building methods are considered.
- h. Correct typographical; error in 8.8.4~~RX~~4.
- i. Amend 8.8.5~~RX~~5 to clarify the intent of the provision regarding the diversion of flood flows.
- j. Amend the definition of 'safe access' to better reflect the safe access provisions of the One Plan.
- k. Amend the definition of Flood Risk Area A/B and/or the 100/200 year flood event to provide a description of the areas identified on the planning map.
- l. Define the flood areas on the planning maps more clearly.
- m. For all submission points HRC also seeks:
- n. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and
- o. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.

Officer Comments:

Points a to l generally better align the Plan Change with the One Plan, improve clarity, and simplify the Plan change overall. In particular, infrastructure is included in the One Plan, specific zones are referred to where referenced and which rules do and don't apply to them, and consistent use of terminology, for example 'resilient building'.

Officer Recommendations:

That submission 4.1.c33 be **accepted** and the following changes be made to the proposed text:

Sub Point	TEXT CHANGES
a	<p>Amend proposed Issue 8.1.5 and proposed Objective 8.2.4 to read:</p> <p><u>8.1.5IX1 Flood Hazard Risk</u></p> <p><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 drains including Churton Creek and the Matarawa Stream, are prone to occasional flooding putting people, and property <u>and infrastructure</u> at risk.</i></p> <p><u>8.2.4OX1 Floodwater inundation</u></p> <p><i>Minimise the risk to people, and property <u>and infrastructure</u> from floodwater inundation.</i></p>
b	<p>Amend proposed provisions to read:</p> <p><u>8.3.98 Flood mitigation within the riverfront zones Arts and Commerce and Riverfront Zones</u></p> <p><i>Utilise alternative flood hazard mitigation techniques within the <u>Arts and Commerce Zone</u> and r<u>Riverfront Zone</u>.</i></p>

	<p>8.8.1RX1 Permitted Activities</p> <p><i>The following are permitted activities (excluding sites within the Riverfront and Arts and Commerce Zone and Riverfront Zone)</i></p>
c	<p>Amend proposed provisions to read:</p> <p>8.3.9 Adopt a 1 in 200 year flood level</p> <p><i>Subdivision and land use development must be managed within the <u>any area identified as being subject to inundated in a 1 in 200 year flood event</u>, different flood hazard avoidance or mitigation methods are required.</i></p> <p>8.3.15PX4 New allotments in floodable areas</p> <p><i>Avoid subdivision which creates new allotments on sites within a <u>flooding overlay</u> where future development may increase the exposure of people and property to the impacts of flood <u>inundation from a 1 in 200 year flood event.</u></i></p>
d	<p>Amend proposed provisions to read:</p> <p>8.8.2RX2 Restricted Discretionary Activities</p> <p><i>The following are restricted discretionary activities (excluding sites <u>within the Arts and Commerce Zone and Riverfront Zone</u>) provided they comply with the performance standards:</i></p> <p>8.8.3RX3 Discretionary Activities</p> <p><i>The following are discretionary activities (excluding sites <u>within the Arts and Commerce Zone and Riverfront Zone</u>):</i></p> <p>8.8.4RX4 Non-Complying Activities</p> <p><i>The following are discretionary activities (excluding sites <u>within the Arts and Commerce Zone and Riverfront Zone</u>):</i></p>
e	<p>Amend proposed provisions to read:</p> <p>8.9.18-8.1 <i>Within the Arts and Commerce zone and Riverfront zone, structures shall be required to meet the following:</i></p> <p><i>a. New buildings and additions to buildings are required to be designed and constructed, <u>using resilient building methods</u>, to either:...</i></p>
f	<p>Amend proposed provisions to read:</p> <p>8.8.1RX1 Permitted Activities</p> <p><i>The following are permitted activities provided they comply with the performance standards <u>specified for the flood hazard or underlying zones</u>:</i></p> <p>8.8.2RX2 Restricted Discretionary Activities</p> <p><i>The following are restricted discretionary activities provided they comply with the performance standards <u>specified for the flood hazard or underlying zones</u>:</i></p>
g	<p>Amend proposed provisions to read:</p> <p>8.8.2RX2 Restricted Discretionary Activities</p>

	<p><i>Council shall restrict its discretion to the following matters:</i></p> <p><i>The establishment of a suitable <u>finished floor or ground level after allowing for freeboard above the 200 year flood level on the subject site.</u></i></p> <p><i>iii. <u>In addition to establishing a finished floor or ground level in (i) above, the requirement for and provision use of resilient building design features methods that provide resilience for up to a 1 in 200 year flood event</u></i></p>
h	<p>Amend proposed provisions to read:</p> <p>8.8.4RX4 Non-Complying Activities</p> <p>The following are discretionary <u>non-complying</u> activities</p>
i	<p>Delete proposed rule 8.9.2RX5 and replace with new rule 8.9.3</p> <p>d. Earthworks shall not alter the finished ground level does not alter the existing ground level when completed.</p> <p>8.9.3 Earthworks</p> <p><u>Earthworks shall not alter the existing ground level in a manner that diverts flood flows or adversely affects channel capacity.</u></p>
j	<p>Amend proposed definition to read:</p> <p><u>Safe access/egress</u> – <i>With regard to the provisions for ... in a 200 year flood event., 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.</i></p>
k	<p>Amend proposed definitions to read:</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><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>
L - 0	<p>Final presentation of hazards on maps will be clearer, as hazards will be shown on a b-series.</p> <p>No specific changes are proposed for these submission point</p>

8.5 Submitter Name: Powerco Limited

Submission Number: 5.1c33

Summary:

The submitter:

Supports 8.3.12PX4, 8.3.13PX2, 8.3.16PX5

Seeks to ensure existing critical infrastructure within hazards can to be upgraded, and that new non-critical infrastructure is permitted.

Supports the definition of 'Critical infrastructure'.

Refer to 'minor' upgrades in the definition of 'upgrades'.

Decision Sought:

The Submitter seeks the following:

- a. Retain 8.3.12PX4, 8.3.13PX2, 8.3.16PX5
- b. Create a new rule for Permitted Activities to include minor upgrades to critical infrastructure and new or upgraded non-critical infrastructure.
- c. Retain 8.8.3RX3
- d. Retain the definition of Critical infrastructure.
- e. Amend the definition of Upgrades to be 'Minor Upgrading'

Officer Comments:

With regard to a, the submitter wishes to retain 8.3.12PX4 and 8.3.13PX2 PX2 as notified, and no other submissions on those provisions have been made. 8.3.16PX5 is recommended to be retained, but is proposed to be modified as a result of another submission

With regard to point b, the 'strikethrough' version of 8.8.1RX4 provides for the same outcome as sought by the Submitter and was the intended position of staff in that these activities be permitted in 8.8.1RX4. This is recommended to be retained.

With regard to point c, 8.8.3RX3 is recommended to be retained as the 'strikethrough' version which is substantially the same or similar, along with modifications suggested by submitters to remove incorrect references and identify which zones apply.

With regard to d, as a result of other submissions, the definition of 'critical infrastructure' is proposed to be amended to better reflect the Intent of the One Plan.

With regard to e, it is recommended that the term 'upgrade' be retained. However, it is recognised that this is a minor point and any change made to the definition would need to consider the consequential amendments required.

Officer Recommendations:

That submission 5.1.c33 from Powerco Limited be **accepted in part** and no changes be made a result of this submission.