

Part 3

Domains and topics

Topics

HAZ – Hazards and risks

NH – Natural hazards

Note: Nelson City Council provides further guidance documents on development within these areas

Objectives

NH-O1 Natural hazards [RP, RCP, DP]

The objective for this chapter is **SRMR-HAZ-01 Natural hazards**.

The risk to Whakatū Nelson's people (including tangata whenua) from natural hazards, including the effects of climate change, is recognised and managed to ensure that subdivision, use and development do not increase significant risks from natural hazards.

Policies

Flood hazard

NH-P1 Flood hazard: Identifying the Annual Exceedance Probability Event [RP, RCP, DP]

Identify the 1% Annual Exceedance Probability Event (AEP), including the likely effects of climate change, over at least 100 years, using the most up-to-date recognised national guidance, for areas of flooding within Whakatū Nelson.

NH-P2 Flood hazard: Subdivision, use and development in the Flood hazard overlays [RP, RCP, DP]

Ensure that subdivision, use and development within the Flood hazard overlay, High flood hazard overlay, and the North Nelson flood hazard overlay consider:

1. the building, land use or activity being proposed and its vulnerability to significant risk from the flood hazard;
2. the type, frequency and scale of projected flooding, and likely damage and effects, both temporary and permanent;
3. the significant risk of adverse effects to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard;

4. the design, location and construction of buildings and structures to mitigate and provide resilience against the projected effects of the flood hazard, including the opportunity to utilise adaptation measures or readily relocatable buildings and associated remediation of services on-site as a result of relocation;
5. the ground and/or floor levels required to mitigate adverse effects associated with a 1% AEP flood event, including the likely effects of climate change;
6. the site layout, including placement of any buildings and structures, infrastructure and access in relation to the flood risk;
7. any proposed storage and use of hazardous substances and the management of these substances in relation to the flood hazard;
8. the ability to maintain access (ingress and egress) in a flood event;
9. any identified evacuation routes or refuges above flood levels;
10. the effects on and the potential to enhance the function of the floodplain, including flood storage capacity and conveyance; and
11. any effects beyond the subject site, including:
 - a. effects on character and amenity values of neighbouring sites and the surrounding environment, in particular, adjoining residential land use;
 - b. any likelihood of flooding or erosion being aggravated;
 - c. any additional water being directed onto adjacent sites; and
 - d. drainage of other sites.

NH-P3 Flood hazard: Habitable space and sensitive uses [RP, RCP, DP]

Require buildings to be designed so that any habitable space and sensitive uses are located outside any flood hazard area, or are designed in a way that avoids an increase in significant flood hazard risk and mitigates the potential effects from the flood hazard.

NH-P4 Flood hazard: Floor and ground levels [RP, RCP, DP]

When proposing to raise floor levels or alter ground levels to mitigate the risk associated with the flood hazard:

1. encourage raising the floor level in preference to altering the ground level, where this will not result in adverse urban design outcomes and the dispersal of flood waters; and
2. discourage raising the ground level where this will result in adverse urban design outcomes on the streetscape and neighbouring properties or the dispersal of flood waters.

NH-P5 Flood hazard: Hard protection structures [RP, RCP, DP]

Hard protection structures for flood mitigation purposes are used in preference to natural features and processes only where:

1. there is no natural defence option;
2. the hard protection structure does not create or exacerbate flooding upstream or downstream, or otherwise increase flood hazards;
3. the hard protection structure is located, designed, built and maintained to withstand natural processes and the effects of climate change;
4. there are no cumulative adverse effects on the natural character and processes of the river, including natural morphological form and flow; and
5. significant adverse effects on people, property, infrastructure (including regionally significant infrastructure) and the natural environment from the hard protection structure are avoided, and any other adverse effects are avoided, remedied or mitigated.

NH-P7 Flood hazard: North Nelson: Activities and development [RP, RCP, DP]

Enable activities and development in the Flood hazard overlay and the North Nelson flood hazard overlay, where the activity does not increase significant risks of adverse effects from flood hazards to people, property, infrastructure and the natural environment.

NH-P8 Flood hazard: North Nelson: Redevelopment [RP, RCP, DP]

Encourage redevelopment in the Flood hazard overlay and the North Nelson flood hazard overlay to reduce significant flood hazard risks to people, property, infrastructure and the natural environment, through adaptation, built mitigation and infrastructure improvements.

NH-P9 Flood hazard: North Nelson: Adverse effects [RP, RCP, DP]

Require subdivision, use and development in the Flood hazard overlay and North Nelson flood hazard overlay to avoid, remedy or mitigate significant risks of adverse effects resulting from flood hazards, by:

1. providing building platforms, vehicle access and infrastructure to be located to respond to the severity of the hazard and proposed use of the site;
2. implementing measures to maintain the function of the flood plain so ensuring that significant flood risks are not increased either on or off-site; and
3. ensuring significant flood hazard risks to other properties or activities would not be increased and the function of the floodplain would be maintained.

NH-P10 Flood hazard: Rural zones [RP, RCP, DP]

Ensure that subdivision, use and development in rural zones avoids, reduces, or mitigates adverse effects resulting from the flood hazard through location, design and management, and reduces significant risks where practicable.

NH-P11 High flood hazard: Subdivision, use and development [RP, RCP, DP]

Provide for subdivision, use and development, including redevelopment, in existing urban areas to

locate in the High flood hazard overlay only where it can be demonstrated that:

1. risks to people, property, infrastructure and the natural environment are adequately mitigated, having particular regard to human life, and emergency management;
2. significant flood hazard risks to other properties or activities would not be increased, and the function of the floodplain would be maintained; and
3. they are resilient to the effects of climate change.

Please note the following Fault Hazard, Liquefaction Hazard and Coastal Hazard Rules were previously engaged on so are not part of this engagement.

Fault Hazard

NH-P12 Fault hazard: Subdivision, use and development [RP, RCP, DP]

Ensure that subdivision use and development within the Fault rupture overlay consider:

1. the need for a site-specific assessment to confirm the location of the fault trace where it is not specifically defined;
2. the proposed land use or activity;
3. the location, size and design of the development in relation to fault rupture risk;
4. the anticipated use of the site;
5. risk to people, property, infrastructure and the natural environment from the fault rupture; and
6. geotechnical recommendations.

NH-P13 Fault hazard: Setbacks from fault rupture [RP, RCP, DP]

Encourage new buildings and additions to existing buildings, structures and network utilities within the Fault rupture overlay, to be set back from the fault trace to mitigate significant risks of damage from a fault rupture.

NH-P14 Fault hazard: Fault trace [RP, RCP, DP]

Discourage any building or additions to existing buildings within 10 metres of the fault trace, unless it can be demonstrated that any adverse effects on the following can be avoided, remedied or mitigated:

1. risk to life;
2. likelihood of damage;
3. ability to recover; and
4. damage to property.

Liquefaction Hazard

NH-P15 Liquefaction hazard: Subdivision, use and development [RP, RCP, DP]

<p>Ensure subdivision, use or development within the Tahunanui liquefaction overlay consider:</p> <ol style="list-style-type: none"> 1. the proposed land use or activity; 2. the location, size and design of the development in relation to the liquefaction risk; 3. the anticipated use of the site; 4. risk to people, property, infrastructure and the natural environment from the liquefaction hazard; and 5. geotechnical recommendations.
<p>NH-P16 Liquefaction hazard: Assessment of risk [RP, RCP, DP]</p>
<p>Subdivision, use and development is discouraged in the Tahunanui liquefaction overlay where the risk of liquefaction to people, property, infrastructure and the natural environment is assessed as being significant.</p>
<p>NH-P17 Liquefaction hazard: Single residential units and network utilities [RP, RCP, DP]</p>
<p>Enable single residential units and network utilities within the Tahunanui liquefaction overlay, provided they are designed to mitigate significant liquefaction risks.</p>
<p>Coastal hazard</p>
<p>NH-P18 Coastal hazards: Identification [RP, RCP, DP]</p> <p><i>The coastal and flood sections propose a broad approach to hazard management.</i></p>
<p>Identify areas that are currently subject to coastal hazards and that may potentially be affected by coastal hazards in the future, including sea level rise over at least a 100 year time period, under a 1% Annual Exceedance Probability (AEP) Event.</p>
<p>NH-P19 Coastal hazards: Interim measure [RP, RCP, DP]</p> <p><i>The coastal and flood sections propose a broad approach to hazard management.</i></p>
<p>As an interim measure, ensure subdivision, use and development in low-lying areas with a Reduced Level (RL) of less than 4 metres RL considers the risk of adverse effects from coastal hazards, including the effects of sea level rise over at least a 100 year time period, in a 1% Annual Exceedance Probability (AEP) Event, to people, property, infrastructure and the natural environment from coastal hazards, including:</p> <ol style="list-style-type: none"> 1. the proposed development and its vulnerability to coastal hazards; 2. the frequency of the hazard and likely damage and effects, both temporary and permanent; 3. significant risk to people, property, infrastructure and the natural environment from the hazard(s); 4. ground and/or floor levels required to give protection from coastal hazard events; 5. proposed mitigation measures, including any need or future demand for the construction and

<p>continued maintenance of natural and/or hard protection structures;</p> <p>6. site layout, including placement of any buildings and structures, infrastructure and access in relation to coastal hazards, and access and evacuation routes or refuges; and</p> <p>7. effects beyond the subject site.</p>
<p>NH-P20 Coastal hazards: Adaptive pathways approach [RP, RCP, DP]</p> <p><i>The coastal and flood sections propose a broad approach to hazard management.</i></p>
<p>Develop provisions for the management of subdivision, use and activities in areas potentially at risk from coastal hazards using a dynamic adaptive pathways approach.</p>
<p>NH-P21 Coastal hazards: Hard protection structures [RP, RCP, DP]</p> <p><i>The coastal and flood sections propose a broad approach to hazard management.</i></p>
<p>Hard protection structures to mitigate the effects of coastal hazards and the effects of climate change are used in preference to natural features and processes only where:</p> <ol style="list-style-type: none"> 1. there is no natural defence option; and 2. the structure: <ol style="list-style-type: none"> a. does not adversely affect any other existing lawfully established structure or activity; b. avoids the modification or alteration of natural systems in a way that would compromise their function as natural defences to coastal hazards; c. will not create an unsustainable physical and/or economic demand for continued maintenance; and d. will not create a future need for hard protection structures or reclamations as defences against coastal hazards.
<p>NH-P22 Coastal hazards: Adverse environmental effects of hard protection structures [RP, RCP, DP]</p> <p><i>The coastal and flood sections propose a broad approach to hazard management.</i></p>
<p>Ensure that hard protection structures and associated works to mitigate coastal hazards and the effects of climate change avoid, remedy or mitigate adverse environmental effects by:</p> <ol style="list-style-type: none"> 1. locating hard protection structures as far landward as possible; and 2. considering the following matters when locating and designing hard protection structures: <ol style="list-style-type: none"> a. any likely increase in the coastal hazard, including increased rates of erosion, accretion, subsidence or slippage; b. undermining of the foundations at the base of the structure; c. erosion in front of, behind or around the ends or down-drift of the structure; d. settlement or loss of foundation material;

- e. movement or dislodgement of individual structural elements;
- f. offshore or long-shore loss of sediment from the immediate vicinity;
- g. their ability to withstand the effects of climate change, including sea level rise and increased storm events;
- h. long-term adverse visual effects on coastal landscape and amenity values; and
- i. effects on public access.

NH-P23 Infrastructure in all hazard overlays [RP, RCP, DP]

The coastal and flood sections propose a broad approach to hazard management.

Provide for the operation, maintenance, upgrading and construction of infrastructure (including regionally significant infrastructure) in hazard areas, only where:

1. that infrastructure is functionally or operationally required to locate in a hazard area or there is no reasonable alternative;
2. the infrastructure is designed, maintained and managed to be resilient to the hazard event and the effects of climate change; and
3. any potential adverse effects on people, property, infrastructure or the natural environment, including exacerbation of flood hazards, are avoided, remedied or mitigated.

Rules – Flooding related rules only

Rule interpretation and application

All coastal hazard rules are pending community engagement, technical development and review of flood hazard analysis.

NH-R1 [RP, RCP, DP]

The rules that **apply** to natural hazards are contained in the activity status table as follows:

1. Flood hazard overlay: NH-R5, NH-R6, NH-R7, NH-R8, NH-R9, NH-R10, NH-R23 and NH-R24; and
2. High flood hazard overlay: NH-R11, NH-R12, NH-R13, NH-R14, NH-R15, NH-R16, NH-R23 and NH-R24; and
3. North Nelson flood hazard overlay: NH-R17, NH-R18, NH-R19, NH-R20, NH-R21, NH-R22, NH-R23 and NH-R24; and

NH-R2 [RP, RCP, DP]

1. Small portions of the Flood hazard overlay and High flood hazard overlay **apply** below Mean High Water Springs in the vicinity of Port Nelson, where wharves are cantilevered over the CMA – Coastal marine area.

Activity status

Rule	Use/Activity
Flooding	
NH-R5	Flood hazard overlay: Underlying zone permitted activity
NH-R6	Flood hazard overlay: Storage and use of a hazardous substance
NH-R7	Flood hazard overlay: Building or structure
NH-R8	Flood hazard overlay: Fence, wall, retaining wall and outside storage
NH-R9	Flood hazard overlay: Network utility
NH-R10	Flood hazard overlay: On-site wastewater system
NH-R11	High flood hazard overlay: Flood tolerant activity
NH-R12	High flood hazard overlay: Storage and use of a hazardous substance
NH-R13	High flood hazard overlay: Building or structure
NH-R14	High flood hazard overlay: Fence, wall, retaining wall and storage

NH-R15	High flood hazard overlay: Network utility
NH-R16	High flood hazard overlay: On-site wastewater system
NH-R17	North Nelson flood hazard overlay: Underlying zone permitted activity
NH-R18	North Nelson flood hazard overlay: Storage and use of a hazardous substance
NH-R19	North Nelson flood hazard overlay: Building or structure
NH-R20	North Nelson flood hazard overlay: Fence, wall, retaining wall and outside storage
NH-R21	North Nelson flood hazard overlay: Network utility
NH-R22	North Nelson flood hazard overlay: On-site wastewater system
NH-R23	Flood hazard overlay, North Nelson flood hazard overlay, and High flood hazard overlay: Earthworks
NH-R24	Flood hazard overlay, North Nelson flood hazard overlay, and High flood hazard overlay: Flood mitigation and protection works
Please note the following Fault Hazard, Liquefaction Hazard and Coastal Hazard Rules were previously engaged on so are not part of this engagement.	
Fault rupture	
NH-R25	Fault rupture overlay: Building, structure, or network utility
Liquefaction	
NH-R26	Tahunanui liquefaction overlay: Building or network utility
Coastal	
<i>[All coastal rules are pending community engagement, technical development and review of flood hazard analysis.]</i>	
NH-R27	Coastal hazards: Maintenance of hard protection structure on land (above MHWS)
NH-R28	Coastal hazards: Construction of hard protection structure or wave attenuation device on land (above MHWS): PORTZ – Port zone
NH-R29	Coastal hazards: Construction of hard protection structure or wave attenuation device on land (above MHWS): RESZ – Residential zones, CMUZ – Commercial and Mixed use zones and INZ – Industrial zones

NH-R30	Coastal hazards: Construction of hard protection structure or wave attenuation device on land (above MHWS): RURZ – Rural zones, and OSRZ – Open space and recreation zones
NH-R31	Coastal hazards: Beach nourishment, beach contouring and dune stabilisation (above MHWS)

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Flooding			
NH-R5 Flood hazard overlay: Underlying zone permitted activity [RCP, DP] Legal effect on notification: No	1. In the Flood hazard overlay a permitted activity provided for in the underlying zone is a permitted activity , provided that the activity is not a change of use to accommodate a sensitive activity within an existing building.	2. Not applicable.	3. In the Flood hazard overlay an activity that contravenes NH-R5.1 is a restricted discretionary activity . Discretion is restricted to: <ol style="list-style-type: none"> floor and/or ground levels and the location of the activity within the building or site; and proposed mitigation of the effects of flooding, including effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations and the extent that mitigation results

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			<p>in non-compliances with other rules and/or standards; and</p> <p>c. access in a flood event, including ability to maintain safe ingress and egress; and</p> <p>d. the ability to readily relocate buildings or structures, including the proposed duration of occupation of the buildings or structures; including the remediation of the site resulting from relocation; and</p> <p>e. effects on ecological values and values of significance to tangata whenua; and</p> <p>f. the level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>g. risk to public health, safety and wellbeing and property from the flood hazard; and</p> <p>h. functional and/or operational need to locate within the hazard area; and</p> <p>i. the methods provided to manage activities and uses within the site during a flood event; and</p> <p>j. proposed evacuation plans; and</p> <p>k. duration of use and anticipated use during flood hazard events; and</p> <p>l. the nature of the activity being undertaken and its vulnerability to flood events; and</p> <p>m. the likelihood and consequences of a flood event in relation to sensitive activities.</p>
NH-R6 Flood hazard overlay:	1. In the Flood hazard overlay the storage and use of a	2. Not applicable.	3. In the Flood hazard overlay the storage and use of a

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Storage and use of a hazardous substance [RCP, DP] Legal effect on notification: No	<p>hazardous substance is a permitted activity where:</p> <ul style="list-style-type: none"> a. it is located above or outside of the 1% AEP flood flow (taking into account the likely effects of climate change); or b. it is located within the flood plain and located in a manner so as to not be inundated from 1% AEP flood flows, as provided in a certificate by a registered professional engineer. 		<p>hazardous substance that contravenes NH-R6.1 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. functional and/or operational need to locate within the hazard area; and b. the location, design and management of facilities where hazardous substances are stored, used or disposed; and c. the potential risk to public health; and d. the potential contamination of water or land.
NH-R7 Flood hazard overlay: Building or structure [RCP, DP] Legal effect on notification: No	<p>1. In the Flood hazard overlay a building or structure is a permitted activity provided that it is:</p> <ul style="list-style-type: none"> a. a below ground swimming pool; or b. maintenance, repair or alteration to a building which 	<p>2. Not applicable.</p>	<p>3. In the Flood hazard overlay a building or structure that contravenes NH-R7.1 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>does not result in any increase to site coverage; or</p> <p>c. a building or structure, including additions to an existing building or structure, that:</p> <p>i. is up to 10m² gross floor area; and</p> <p>ii. where it includes an addition to an existing building, all additions are up to 10m² gross floor area cumulatively over a 10 year period from the date of notification of the Nelson Plan; and</p> <p>iii. does not exacerbate the flood hazard on-site, or to other properties upstream or downstream of the site, as determined by a registered professional</p>		<p>a. floor and/or ground levels; and</p> <p>b. building design and location within the site, including foundations and whether the building is readily relocatable; including the remediation of the site resulting from relocation; and</p> <p>c. proposed mitigation of the effects of flooding including effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations; and</p> <p>d. risk to public health, safety and wellbeing and property from the flood hazard; and</p> <p>e. the effects of flood hazards on the structural integrity of the</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>engineer and a statement by that professional is provided confirming as such; or</p> <p>d. a tent, marquee and other structure associated with a temporary event; or</p> <p>e. in any RURZ – Rural zone, a building or structure for rural purposes which does not impede flood flows beyond the site and is secured to ensure it will not be displaced beyond the site in a flood event, as provided in a certificate by a registered professional engineer.</p>		<p>building or structure; and</p> <p>f. any exacerbated effects in relation to flooding on or off-site; and</p> <p>g. the intended use of the building and whether it will accommodate sensitive activities; and</p> <p>h. access in a flood event, including ingress and egress; and</p> <p>i. ability to take an adaptive management approach; and.</p> <p>j. proposed evacuation plans.</p>
<p>NH-R8</p> <p>Flood hazard overlay:</p> <p>Fence, wall, retaining wall and outside storage</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. In the Flood hazard overlay a fence, retaining wall, or outside storage is a permitted activity provided that:</p> <p>a. a fence, wall or retaining wall in the 1% AEP</p>	<p>2. Not applicable.</p>	<p>2. In the Flood hazard overlay a fence, wall retaining wall or outside storage that contravenes NH-R8.1. is a restricted discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>flood flow is designed to allow for the passage of flood waters, as provided in a certificate by a registered professional engineer; and</p> <p>b. the fence is constructed with:</p> <ul style="list-style-type: none"> i. post and wire; or ii. wire mesh fences; or iii. railings where at least 70% of the surface area of the fence is not solid; or iv. solid fences and walls with an opening of sufficient size at flood level that can convey the 1% annual exceedance probability (AEP) flood flow; and v. the storage of goods and materials in the 1% AEP floodplain do not impede flood flows, as 		<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the design of the fence, wall or retaining wall including the structural integrity; and b. the effects of potential changes in flood depth, velocity and frequency within the site and on adjoining sites, including upstream and downstream; and c. the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided; and d. the effects of storage of outdoor goods and materials.

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	provided in a certificate by a registered professional engineer.		
NH-R9 Flood hazard overlay: Network utility [RCP, DP] Legal effect on notification: No	1. In the Flood hazard overlay a network utility is a permitted activity provided that it is: <ul style="list-style-type: none"> a. an underground network utility; or b. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of notification of the Nelson Plan) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, as provided in a certificate by a registered professional engineer; or c. the maintenance, repair or renewal 	2. Not applicable.	3. In the Flood hazard overlay a network utility not provided for in NH-R9.1 is a restricted discretionary activity . Discretion is restricted to: <ul style="list-style-type: none"> a. the functional and/or operational need to locate within the hazard area; and b. the risk of adverse effects to other people, property, infrastructure and the natural environment including; <ul style="list-style-type: none"> i. public health and safety; and ii. impacts on ecological values and values of significance to tangata whenua and public access

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>of a private road or accessway; or</p> <p>d. construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, as provided in a certificate by a registered professional engineer; or</p> <p>e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width</p>		<p>associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and</p> <p>c. the level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and</p> <p>d. any exacerbation of the hazard as a result of the structure; and</p> <p>e. access in a flood event, including ability to maintain safe ingress and egress; and</p> <p>f. proposed evacuation plans; and</p> <p>g. ability to take an adaptive management approach.</p>
NH-R10 Flood hazard overlay:	1. Not applicable.	2. Not applicable.	3. In the Flood hazard overlay an on-site septic tank or on-

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<p>On-site wastewater system</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>			<p>site wastewater treatment and disposal system is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the functional and/or operational need to locate within the hazard area; and b. the risk of adverse effects to other people, property, infrastructure and the natural environment including: <ul style="list-style-type: none"> i. public health and safety; and ii. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection

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			<p>works to be required to protect the utility; and</p> <p>c. any exacerbation of the hazard as a result of the structure; and</p> <p>d. the ability to readily relocate or remove structures, including the remediation of the site resulting from relocation; and</p> <p>e. the design of the device including flood proofing; and</p> <p>f. the potential risk to public health; and</p> <p>g. the potential contamination of groundwater; and</p> <p>h. the ability to take an adaptive management approach.</p>
NH-R11 High flood hazard overlay: Flood tolerant activity [RCP, DP]	<p>1. In the High flood hazard overlay a flood tolerant activity, including associated structures, is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. In the High flood hazard overlay an activity that is not a flood tolerant activity is a restricted discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Legal effect on notification: No			<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. floor and/or ground levels and the location of the activity within the building or site; and b. proposed mitigation of the effects of flooding including effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations and the extent that mitigation results in non-compliances with other rules and/or standards; and c. access in a flood event, including ability to maintain safe ingress and egress; and d. the ability to readily relocate buildings or structures, including the proposed duration of

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>occupation of the buildings or structures; including the remediation of the site resulting from relocation; and</p> <p>e. effects on ecological values and values of significance to tangata whenua; and</p> <p>f. the level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and</p> <p>g. risk to public health, safety and wellbeing and property from the flood hazard; and</p> <p>h. functional and/or operational need to locate within the hazard area; and</p> <p>i. the methods provided to manage activities and uses within the site during a flood event; and</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<ul style="list-style-type: none"> j. proposed evacuation plans; and k. duration of use and anticipated use during flood hazard events.
<p>NH-R12</p> <p>High flood hazard overlay:</p> <p>Storage and use of a hazardous substance</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. Not applicable.</p>	<p>2. In the High flood hazard overlay the storage of a hazardous substance where located in a manner to prevent inundation from 1% AEP flood flows is a controlled activity.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> a. the proposed site design and layout, in particular the sensitivity of the surrounding environment, and potential hazards and exposure pathways; and b. proposed emergency management planning; and c. proposed monitoring and maintenance schedules. 	<p>3. In the High flood hazard overlay the storage of a hazardous substance that contravenes NH-R12.2 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. functional and/or operational need to locate within the hazard area; and b. the location, design and management of facilities where hazardous substances are stored; and c. the potential risk to public health; and d. the potential contamination of water or land.

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>NH-R13</p> <p>High flood hazard overlay:</p> <p>Building or structure [RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. In the High flood hazard overlay a building or structure is a permitted activity provided that it is:</p> <ul style="list-style-type: none"> a. maintenance, repair or alteration to an existing building which does not result in any increase to building coverage (excluding decks) or floor areas and/or lower finished floor levels; or b. a structure associated with flood tolerant activities which does not occupy flood storage capacity or impede flood flows to other properties upstream or downstream of the site, as provided in a certificate by a registered professional engineer; or 	<p>2. Not applicable.</p>	<p>3. In the High flood hazard overlay a new building, or building or structure that contravenes NH-R13.1 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. floor and/or ground levels; and b. building design and location within the site, including foundations and whether the building is readily relocatable, including the remediation of the site resulting from relocation; and c. proposed mitigation of the effects of flooding including effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations; and

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<ul style="list-style-type: none"> c. an extension to an existing building where: <ul style="list-style-type: none"> i. it is located above the flood flow levels; or ii. which does not occupy flood storage capacity or impede flood flows, as provided in a certificate by a registered professional engineer; or d. a tent, marquee and other structure associated with temporary events; or e. an open structure, without floors which does not impede flood flows and is secured to ensure it will not be displaced in a flood event, as provided in a certificate by a registered professional engineer; or f. in any RURZ – Rural zone, a 		<ul style="list-style-type: none"> d. risk to public health, safety and wellbeing and property from the flood hazard; and e. the effects of flood hazards on the structural integrity of the building or structure; and f. any exacerbated effects in relation to flooding on or off-site; and g. the intended use of the building and whether it will accommodate sensitive activities; and h. access in a flood event, including ingress and egress; and i. ability to take an adaptive management approach; and j. proposed evacuation plans.

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	non-habitable building or structure, including artificial crop protection and crop support structures for rural purposes, which does not impede flood flows, beyond the site, and is secured to ensure it will not be displaced beyond the site in a flood event, as provided in a certificate by a registered professional engineer.		
NH-R14 High flood hazard overlay: Fence, wall, retaining wall and storage [RCP, DP] Legal effect on notification: No	1. In the High flood hazard overlay a fence, wall, retaining wall, or storage is a permitted activity provided that: <ol style="list-style-type: none"> the fence, wall or retaining wall is designed to allow for the passage of flood waters; and the fence is constructed with: <ol style="list-style-type: none"> post and wire; or 	2. Not applicable.	2. In the High flood hazard overlay a fence, wall, retaining wall or storage that contravenes NH-R14.1 is a restricted discretionary activity . Discretion is restricted to: <ol style="list-style-type: none"> the design of the fence, wall or retaining wall, including the structural integrity; and

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<ul style="list-style-type: none"> ii. wire mesh fences; or iii. railings where at least 70% of the surface area of the fence is not solid; or iv. solid fences and walls with an opening of sufficient size at flood level that can convey the 1% annual exceedance probability (AEP) flood flow; and c. the storage of goods and materials in the 1% AEP floodplain do not impede flood flows, and are contained and secured in order to minimise movement in times of floods. 		<ul style="list-style-type: none"> b. the effects of potential changes in flood depth, velocity and frequency within the site and on adjoining sites, including upstream and downstream; and c. the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided; and d. the effects of storage of outdoor goods and materials.
NH-R15 High flood hazard overlay: Network utility [RCP, DP]	1. In the High flood hazard overlay a network utility is a permitted activity provided that it is: <ul style="list-style-type: none"> a. an underground network utility; or 	2. Not applicable.	2. In the High flood hazard overlay a network utility not provided for in NH-R15.1 is a restricted discretionary activity .

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Legal effect on notification: No	<p>b. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of notification of the Nelson Plan) which does not exacerbate the flood hazard on-site, or to other properties upstream or downstream of the site, as provided in a certificate by a registered professional engineer; or</p> <p>c. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of</p>		<p>Discretion is restricted to:</p> <p>a. the functional and/or operational need to locate within the hazard area; and</p> <p>b. the risk of adverse effects to other people, property, infrastructure and the natural environment including;</p> <p>i. public health and safety; and</p> <p>ii. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and</p> <p>c. the level of existing</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>the site, as provided in a certificate by a registered professional engineer; or</p> <p>d. construction, operation, maintenance, renewal or repair of the public road network within the legal road, or the road formation width.</p>		<p>investment (including supporting infrastructure) and ability to readily relocate uses; and</p> <p>d. any exacerbation of the hazard as a result of the structure; and</p> <p>e. access in a flood event, including ability to maintain safe ingress and egress; and</p> <p>f. proposed evacuation plans; and</p> <p>g. ability to take an adaptive management approach.</p>
<p>NH-R16</p> <p>High flood hazard overlay:</p> <p>On-site wastewater system</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	1. Not applicable.	2. Not applicable.	<p>3. In the High flood hazard overlay an on-site septic tank or on-site wastewater treatment and disposal system is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. the functional and/or operational need to locate within</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>the hazard area; and</p> <p>b. the risk of adverse effects to other people, property, infrastructure and the natural environment including:</p> <p>i. public health and safety; and</p> <p>ii. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and</p> <p>c. any exacerbation the hazard as a result of the structure; and</p> <p>d. the ability to readily relocate or remove structures,</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>including the remediation of the site resulting from relocation; and</p> <p>e. the design of the device including flood proofing; and</p> <p>f. the potential risk to public health; and</p> <p>g. the potential contamination of groundwater; and</p> <p>h. the ability to take an adaptive management approach.</p>
<p>NH-R17</p> <p>North Nelson flood hazard overlay:</p> <p>Underlying zone permitted activity</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. In the North Nelson flood hazard overlay a permitted activity in the underlying zone is a permitted activity, provided that where it is a sensitive activity all habitable space floor levels associated with the sensitive activity are located above the 1% AEP flood hazard level.</p>	<p>2. Not applicable.</p>	<p>1. In the North Nelson flood hazard overlay an activity that contravenes NH-R17 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. floor and/or ground levels and the location of the activity within the building or site; and</p> <p>b. proposed mitigation of the effects of flooding including</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations and the extent that mitigation results in non-compliances with other rules and/or standards; and</p> <p>c. access in a flood event, including ability to maintain safe ingress and egress; and</p> <p>d. the ability to readily relocate buildings or structures, including the proposed duration of occupation of the buildings or structures; including the remediation of the site resulting from relocation; and</p> <p>e. effects on ecological values and values of significance to</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>tangata whenua; and</p> <p>f. the level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and</p> <p>g. risk to public health, safety and wellbeing and property from the flood hazard; and</p> <p>h. functional and/or operational need to locate within the hazard area; and</p> <p>i. the methods provided to manage activities and uses within the site during a flood event; and</p> <p>j. proposed evacuation plans; and</p> <p>k. duration of use and anticipated use during flood hazard events.</p>
NH-R18 North Nelson flood hazard overlay:	1. In the North Nelson flood hazard overlay the storage or use of hazardous	2. Not applicable.	3. In the Flood hazard overlay the storage and use of a hazardous

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Storage and use of a hazardous substance [RCP, DP] Legal effect on notification: No	substances is a permitted activity where: a. it is located above the 1% floodplain (taking in to account the likely effects of climate change); or b. it is located within the floodplain and located in a manner to prevent inundation from 1% AEP flood flows, as provided in a certificate by a registered professional engineer.		substance that contravenes NH-R18.1 is a restricted discretionary activity . Discretion is restricted to: a. functional and/or operational need to locate within the hazard area; and b. the location, design and management of facilities where hazardous substances are stored, used or disposed; and c. the potential risk to public health; and d. the potential contamination of water or land.
NH-R19 North Nelson flood hazard overlay: Building or structure [RCP, DP] Legal effect on notification: No	1. In the North Nelson flood hazard overlay a building or structure is a permitted activity , provided that it is: a. a below ground swimming pool; or b. maintenance, repair or alteration to a	2. Not applicable.	3. In the North Nelson flood hazard overlay a building or structure that contravenes NH-R19.1 is a restricted discretionary activity . Discretion is restricted to:

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>building which does not result in any increase to building coverage; or</p> <p>c. a building or structure, including additions to an existing building or structure, that:</p> <p>i. is up to 10m² gross floor area; and</p> <p>ii. where it includes an addition to an existing building, all additions are up to 10m² gross floor area cumulatively over a 10 year period from the date of notification of the Nelson Plan; and</p> <p>iii. does not exacerbate the flood hazard on-site or, to other properties upstream or downstream of the site, as provided in a certificate by a</p>		<p>a. floor and/or ground levels; and</p> <p>b. building design and location within the site, including foundations and whether the building is readily relocatable; including the remediation of the site resulting from relocation; and</p> <p>c. proposed mitigation of the effects of flooding including effects on the character and amenity of the neighbouring surrounding environment associated with any proposed mitigations; and</p> <p>d. risk to public health, safety and wellbeing and property from the flood hazard; and</p> <p>e. the effects of flood hazards on the structural integrity of the</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>registered professional engineer; or</p> <p>d. in any RURZ – Rural zone, a building or structure for rural purposes which does not impede flood flows beyond the site and is secured to ensure it will not be displaced beyond the site in a flood event, as provided in a certificate by a registered professional engineer.</p>		<p>building or structure; and</p> <p>f. any exacerbated effects in relation to flooding on or off-site; and</p> <p>g. the intended use of the building and whether it will accommodate sensitive activities; and</p> <p>h. access in a flood event, including ingress and egress; and</p> <p>i. ability to take an adaptive management approach; and</p> <p>j. proposed evacuation plans.</p>
<p>NH-R20</p> <p>North Nelson flood hazard overlay:</p> <p>Fence, wall, retaining wall and storage</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. In the North Nelson flood hazard overlay a fence, wall, retaining wall or storage is a permitted activity, provided that:</p> <p>a. it is designed to allow for the passage of flood waters.</p>	<p>2. Not applicable.</p>	<p>3. In the North Nelson flood hazard overlay a fence, wall, retaining wall or storage that contravenes NH-R20.1 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. the design of the fence, wall or retaining wall, including the</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>structural integrity; and</p> <p>b. the effects of potential changes in flood depth, velocity and frequency within the site and on adjoining sites, including upstream and downstream; and</p> <p>c. the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided; and</p> <p>d. the effects of storage of outdoor goods and materials.</p>
<p>NH-R21</p> <p>North Nelson flood hazard overlay:</p> <p>Network utility</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. In the North Nelson flood hazard overlay the operation, maintenance, renewal, repair or minor upgrading of a network utility is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. In the North Nelson flood hazard overlay construction of a network utility not provided for in NH-R21.1 is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. the functional and/or operational need to locate within</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>the hazard area; and</p> <p>b. the risk of adverse effects to other people, property, infrastructure and the natural environment including:</p> <p>i. public health and safety; and</p> <p>ii. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and</p> <p>c. the level of existing investment (including supporting infrastructure) and ability to</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>readily relocate uses; and</p> <p>d. any exacerbation of the hazard as a result of the structure; and</p> <p>e. access in a flood event, including ability to maintain safe ingress and egress; and</p> <p>f. proposed evacuation plans; and</p> <p>g. ability to take an adaptive management approach.</p>
<p>NH-R22</p> <p>North Nelson flood hazard overlay:</p> <p>On-site wastewater system</p> <p>[RCP, DP]</p> <p>Legal effect on notification: No</p>	1. Not applicable.	2. Not applicable.	<p>3. In the North Nelson flood hazard overlay an on-site septic tank or on-site wastewater treatment and disposal system is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. the functional and/or operational need to locate within the hazard area; and</p> <p>b. the risk of adverse effects to other people,</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<p>property, infrastructure and the natural environment including:</p> <ul style="list-style-type: none"> i. public health and safety; and ii. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and c. any exacerbation the hazard as a result of the structure; and d. the ability to readily relocate or remove structures; including the remediation of the site resulting from relocation; and

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			<ul style="list-style-type: none"> e. the design of the device including flood proofing; and f. the potential risk to public health; and g. the potential contamination of groundwater; and h. the ability to take an adaptive management approach.
<p>NH-R23</p> <p>Flood hazard overlay, North Nelson flood hazard overlay and High flood hazard overlay:</p> <p>Earthworks</p> <p>[RCP, DP, RP]</p> <p>Legal effect on notification: No</p>	<p>1. In the Flood hazard overlay, High flood hazard overlay and North Nelson flood hazard overlay, earthworks are a permitted activity, provided that it is:</p> <ul style="list-style-type: none"> a. earthworks involving filling in any RURZ – Rural zone or any OSRZ – Open space and recreation zone that: <ul style="list-style-type: none"> i. is not more than 100m³ of hard fill per site; and ii. does not result in any displacement of flood waters on or beyond 	<p>2. Not applicable.</p>	<p>3. Earthworks in the Flood hazard overlay, High flood hazard overlay or North Nelson flood hazard overlay, that contravene NH-R23.1 is a restricted discretionary activity</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the displacement of flood waters, exacerbation of the flood hazard and impact on the conveyance function of the flood plain; and b. the effects, including cumulative effects, on the

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>the site as determined by a registered professional engineer and a statement by that professional is provided confirming as such; or</p> <p>b. earthworks involving filling in all zones other than any RURZ – Rural zone or any OSRZ – Open space and recreation zone that:</p> <p>i. is not more than 3m³ of hard fill per site; and</p> <p>ii. does not result in any displacement of flood waters beyond the site as determined by a registered professional engineer and a statement by that professional is provided confirming as such.</p>		<p>amenity and character of neighbouring properties and the surrounding environment associated with the existing or potential use of the site; and</p> <p>c. the nature of the activity associated with the earthworks or to be located a top of any filled areas.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>NH-R24</p> <p>Flood hazard overlay, North Nelson flood hazard overlay and High flood hazard overlay:</p> <p>Flood mitigation and protection works</p> <p>[RCP, DP, RP]</p> <p>Legal effect on notification: No</p>	<p>1. In the Flood hazard overlay, High flood hazard overlay and North Nelson flood hazard overlay the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. In the Flood hazard overlay, High flood hazard overlay and North Nelson flood hazard overlay construction of land drainage works, stormwater management devices or flood mitigation works not provided in NH-R24.1 is a restricted discretionary activity:</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the function of the device including the design in relation to the flood hazards; and b. the potential mobilisation of accumulated contaminants; and c. the adverse effects of the works on the function of natural systems, landscape values ecological values and amenity values; and d. social and economic effects

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			including positive effects; and e. residual risk.
Fault rupture Please note Fault Hazard, Liquefaction Hazard and Coastal Hazard Rules were previously engaged on so are not part of this engagement.			
Liquefaction Please note Fault Hazard, Liquefaction Hazard and Coastal Hazard Rules were previously engaged on so are not part of this engagement.			
Coastal There is ongoing technical work and discussions with key stakeholders and the community about the risks of coastal hazards that the Council is progressing through the 'Dynamic Adaptive Policy Pathways' approach'.			

Part 3

Domains and topics

Topics

SUB – Subdivision

Objectives

SUB-O1 Form and function [DP, RP]

Subdivision results in the efficient use of land and achieves patterns of development which deliver good quality community environments that are compatible with the role, function and predominant character of each zone.

SUB-O2 Subdivision and infrastructure [DP, RP]

Subdivision occurs in locations and at a rate that:

1. is supported by the capacity of infrastructure networks; or
2. provides for infrastructure facilities and networks that are sufficient to accommodate growth and development;
3. are safe, efficient, effective and resilient;
4. provide for the health, wellbeing and safety of the Whakatū Nelson community;
5. facilitates the operation of regionally or nationally significant infrastructure; and
6. are resilient to the potential effects of climate change.

SUB-O3 Special features/values subdivision [DP, RP]

Subdivision facilitates the protection of significant natural features and landforms, waterbodies, indigenous vegetation, historic heritage, cultural heritage and/or other identified features.

SUB-O4 Natural hazards area subdivision [DP, RP]

Resilience to natural hazards is enabled and increased.

Policies – Only relevant flooding policies included

SUB-P7 Natural hazards: General [DP, RP]

Manage significant risks from natural hazards by:

1. restricting subdivision that:
 - a. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or
 - b. results in adverse effects on the stability of land and buildings; and
 - c. does not provide safe, flood free and stable building platforms at the time of subdivision;
 - d. is not resilient to the effects of climate change; and
2. requiring subdivision to give effect to NH – Natural hazards objectives and policies:
 - a. NH-O1 Natural hazards;
 - b. NH-P2 Flood hazard: Subdivision, use and development in the Flood hazard overlay;
 - c. NH-P6 Flood hazard: Adaptive management;
 - d. NH-P8 Flood hazard: North Nelson: Redevelopment;
 - e. NH-P11 High flood hazard: Subdivision, use and development;
 - f. NH-P12 Fault hazard: Subdivision, use and development;
 - g. NH-P14 Fault hazard: Fault trace;
 - h. NH-P15 Liquefaction hazard: Subdivision, use and development;
 - i. NH-P18 Coastal hazards: Identification; and
 - j. NH-P19 Coastal hazards: Interim measure.

SUB-P8 Natural hazards: Flood hazard and Fault rupture overlays [DP, RP]

Discourage subdivision in the:

1. High flood hazard overlay, except where the subdivision results in an allotment with a building platform outside the High flood hazard overlay; and
2. Fault rupture overlay that creates an additional allotment or allotments that cannot provide for future development to be setback from the fault trace.

Rules – Only relevant flooding rules included

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
Flooding			
SUB-R13 Flood hazard overlay and North Nelson	1. Not applicable.	2. Not applicable.	3. Subdivision where any part of the site is located within the Flood hazard

<p>flood hazard overlay</p> <p>[DP]</p> <p>Legal effect on notification: No</p>			<p>overlay or North Nelson flood hazard overlay is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. future use and development of the site; and b. the ability to provide ground levels above a 1% AEP flood event; and c. floor levels for future buildings and access to all buildings within the site; and d. potential risk to life, property and the environment from the flood hazard; and e. demand for and ability to provide flood hazard mitigation measures; and f. ability to access the site in a flood event; and g. any effects on other sites, including in relation to flooding or character and amenity of the surrounding
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			<p>environment; and</p> <p>h. provision of and requirement for infrastructure for the site.</p>
<p>SUB-R14</p> <p>High flood hazard overlay</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	1. Not applicable.	2. Not applicable.	<p>3. Subdivision where any part of the site is located in the High flood hazard overlay is a restricted discretionary activity, provided that a subdivision:</p> <p>a. creates a vacant allotment where a building platform and access are located outside the High flood hazard overlay; or</p> <p>b. does not create a vacant allotment.</p> <p>Discretion is restricted to:</p> <p>i. future use and development of the site and future buildings; and</p> <p>ii. location of the building platform; and</p> <p>iii. ability to access the site in a flood event;</p> <p>iv. potential risk to life,</p>

			<p>property and the environment from the flood hazard; and</p> <p>v. any effects on other sites, including in relation to flooding or character and amenity of the neighbouring and surrounding environment; and</p> <p>vi. flood hazard mitigation measures; and</p> <p>vii. supporting infrastructure; and</p> <p>viii. the conveyance function of the flood plain.</p> <p>4. Subdivision that creates an additional vacant allotment that locates any part of an identified building platform or access within the High flood hazard overlay is a non-complying activity.</p>
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Part 1

Interpretation

DEF – Definitions

Flooding related definitions only

Term	Definition/Translation
Access	Means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.
Amenity values	Has the same meaning as section 2 of the RMA: <i>Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</i>
Annual Exceedance Probability (AEP)	Means the probability of a certain size of flood flow occurring in a single year. A 1% AEP flood flow has a 1%, or 1-in-100 chance of occurring in any one year, and a 10% chance of occurring in any 10 year period.
Building	Means a temporary or permanent movable or immovable physical construction that is: <ol style="list-style-type: none">1. partially or fully roofed; and2. fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
Construction	Means in the case of a building or structure, the relocation of a building or structure.
Environment	Has the same meaning as section 2 of the RMA: <i>Means includes:</i> <ol style="list-style-type: none">1. ecosystems and their constituent parts, including people and communities; and2. all natural and physical resources; and3. amenity values; and

	<p>4. <i>the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs 1. to 3. or which are affected by those matters.</i></p>
Erosion	<p>Means the process of wearing away the land surface or the foreshore or seabed by natural agents and the transport of the rock debris or marine sediments that results.</p>
Flood hazard overlay	<p>Means the area of land that is inundated by 1% Annual Exceedance Probability (AEP) rainfall event, taking into account the effects of climate change over a 100 year timeframe in respect of the frequency and duration of rain fall events and a 1 metre sea level rise.</p> <p>The Flood hazard overlay is:</p> <ol style="list-style-type: none"> 1. the area shown in the Nelson City Council's publicly available online GIS viewer as the modelled extent of affected land for a 1% AEP return period event and a 1 metre sea level rise; or 2. as identified in a site-specific technical report prepared by a suitably qualified and experienced professional acceptable to the Nelson City Council.
Flood tolerant activities	<p>Means flood tolerant activities:</p> <ol style="list-style-type: none"> 1. recreation and leisure activities and organised sports and recreation, including sports fields, courts or associated open space facilities (including structures but excluding buildings); and 2. public amenities, including bicycle stands, lighting, park benches, shelters, rubbish bins, toilet facilities; and 3. farming and intensive farming; and 4. forestry; and 5. mineral extraction activities; and 6. temporary events; and 7. at grade parking and loading areas.
Ground level	<p>Means:</p> <ol style="list-style-type: none"> 1. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created); and 2. if the ground level cannot be identified under paragraph 1. (above), the existing surface level of the ground; and

	<p>3. if, in any case under paragraph 1. or 2. (above), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.</p>
Habitable space	<p>Means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.</p>
Hard protection structure	<p>Means includes a seawall, rock revetment, groyne, breakwater, stop bank, retaining wall or comparable structure, or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion and/or inundation by the sea.</p> <p>(As defined in the New Zealand Coastal Policy Statement 2010).</p>
High flood hazard overlay	<p>Means the area of land that is inundated by 1% Annual Exceedance Probability (AEP) rainfall event, taking into account the effects of climate change over a 100 year timeframe in respect of the frequency and duration of rain fall events and a 1 metre sea level rise, where the flood flows exceed 300mm in depth or flows greater than 2.0 metres per second.</p> <p>The High flood hazard overlay is:</p> <ol style="list-style-type: none"> 1. the area shown in the Nelson City Council's publicly available online GIS viewer as the modelled extent of affected land for a 1% AEP return period event and a 1 metre sea level rise where flood flows are identified as exceed 300mm in depth or flows greater than 2.0 metres per second; or 2. where flood flows exceed 300mm in depth or have a velocity greater than 2.0 metres per second as identified in a site-specific technical report prepared by a suitably qualified and experienced professional acceptable to Nelson City Council.
Natural hazard	<p>Has the same meaning as section 2 of the RMA:</p> <p><i>Means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</i></p>
Network utility	<p>Means a network for any of the following activities:</p>

	<ol style="list-style-type: none"> 1. telecommunication facility as defined in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, and includes a Radiocommunication Facility; or 2. cable television; or 3. the transformation, transmission or distribution of electricity; or 4. the distribution of water for supply, including irrigation; or 5. drainage or sewerage reticulation; or 6. construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway; or 7. operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or 8. undertaking a project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991; or 9. lighthouses, meteorological facilities, navigation aids and beacons; or 10. pipes for the distribution or transmission of petroleum, or natural or manufactured gas; or 11. all structures and incidental facilities such as lines support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network; and 12. private connections to the network utility.
Regionally significant infrastructure	<p>Means includes:</p> <ol style="list-style-type: none"> 1. reticulated community wastewater systems (including the pipe network, treatment plants and associated infrastructure); and 2. public drainage systems and reticulated community stormwater networks; and 3. reticulated community water supply intakes, networks and water treatment plants; and 4. the regional landfill, transfer stations and the resource recovery centre; and 5. the national electricity grid; and 6. the local electricity distribution network; and

	<ol style="list-style-type: none"> 7. facilities for the generation of large scale electricity where the electricity generated is supplied to the national electricity grid or the local electricity distribution network (including infrastructure for the transmission of the electricity into the national electricity grid or local electricity distribution network); 8. telecommunications and radiocommunication networks and facilities; and 9. Nelson Airport; and 10. the State Highway Network and arterial roads; and 11. The Port of Nelson; and 12. Nelson Marina; and 13. York and Marsden Quarries; and 14. Nelson Hospital and associated healthcare facilities; and 15. Emergency services facilities.
Repairs and maintenance	<p>Means in relation to a heritage item, is general maintenance and/or repair of materials. An exhaustive list of activities is impractical, but repairs and maintenance may include:</p> <ol style="list-style-type: none"> 1. routine maintenance, redecoration of already decorated surfaces, plumbing, guttering, patching, piecing-in, splicing and consolidating existing materials; or 2. restoration works to return the fabric of a building or structure to its original form by reassembling and reinstating components in accordance with known earlier details using new or original materials (includes the removal of later additions, except where they are specifically protected in APP34 – Heritage items; or 3. replacement of minor components such as individual bricks, cut stone, timber sections, tiles and slates, telecommunication or electricity connections made to the same or similar location on the building; or 4. replacement of heating appliances including heat pumps or wood burners (subject to AIR – Air); or 5. removal and replacement of walls windows or roofs providing replacement materials are of the same or closely similar material, colour, texture, form and design as the original it replaces; or 6. re-piling where no change in floor height occurs; or 7. installation and refurbishment of services where the work does not affect significant fittings or features regular and ongoing

	protective care of an archaeological site or area, or a site of significance to Māori, to prevent deterioration (including activities associated with planting grasses and shrubs to stabilise land or dunes).
River	Has the same meaning as section 2 of the RMA: <i>Means a continually or intermittently flowing body of freshwater; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</i>
Sensitive activity	Means for the purpose of any RESZ – Residential zone includes any residential activity, care centre or healthcare facility with overnight stay facilities, school, visitor accommodation, community activity and residential accommodation within any papakāinga, but excludes temporary events. For the purpose of NH – Natural hazards is any residential activity, care centre or healthcare facilities with overnight stay facilities, school, and including any of these activities within a papakāinga development. Excludes temporary events. For the purpose of any RURZ – Rural zone includes any residential, visitor accommodation and community activity.
Streetscape	Means, for the purpose of historic heritage, groupings of interrelated, but not necessarily contiguous, items, places or features that collectively create neighbourhood character and a shared public realm, and which may collectively reflect historic heritage values.
Structure	Has the same meaning as section 2 of the RMA: <i>Means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.</i>
Subdivision	Means: 1. the division of an allotment a. by an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment; or b. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or

	<ul style="list-style-type: none"> c. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or d. by the grant of a company lease or cross lease in respect of any part of the allotment; or e. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate record of title for any part of a unit on a unit plan; or <p>2. an application to the Registrar-General of Land for the issue of a separate record of title in circumstances where the issue of that record of title is prohibited by section 226 of the RMA.</p>
Temporary event	<p>Means:</p> <ul style="list-style-type: none"> 1. Activities and events that are intended to be undertaken over a short or intermittent duration rather than permanently, and includes (but are not limited to): <ul style="list-style-type: none"> a. one-off, occasional or recurring community or special events such as carnivals, festivals, fairs, galas, ceremonies, parades, markets, public meetings, outdoor concerts and exhibitions; or b. the temporary use of land or buildings for filming activities; and c. includes associated vehicle parking and ancillary buildings, tents, marquees and other structures. 2. Temporary events do not include activities which are anticipated or ancillary uses of a site, such as: <ul style="list-style-type: none"> a. barbecues or parties on residential sites; or b. use of community halls for cultural, recreational, social or civic purposes; or c. use of hotel conference facilities for conferences, galas or other events; or d. use of sportsgrounds for general recreation.
Urban area	<p>Means the land shown on the Nelson Plan Maps as 'Nelson Urban Area', and for the purpose of AIR – Air, plus outside but immediately adjoining that land:</p> <ul style="list-style-type: none"> 1. the foreshore of the CMA – Coastal marine area and any structure attached to the land in Nelson Urban Area and extending into or over the CMA – Coastal marine area; and

	<ol style="list-style-type: none"> 2. any land subject to a notified variation or plan change to the Nelson Plan that re-zones the land as RESZ – Residential zone, CMUZ – Commercial and mixed use zone, OSRZ – Open space and recreation zone, or INZ – Industrial zone, and such re-zoned land as is adopted for inclusion into the Nelson Plan; and 3. any rural land which has been subdivided since the notification of the Nelson Plan for any residential purpose where the area of the site is less than 0.5 hectares.
Vehicle access	<p>Has the same meaning as Access:</p> <p>Means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.</p>
Water	<p>Has the same meaning as section 2 of the RMA:</p> <p><i>Means:</i></p> <ol style="list-style-type: none"> 1. <i>means water in all its physical forms whether flowing or not and whether over or under the ground; and</i> 2. <i>includes fresh water, coastal water, and geothermal water; and</i> 3. <i>does not include water in any form while in any pipe, tank, or cistern.</i>