

Attachment Reference Q:

Higher Order Statutory Framework

National Policy Statements

National Policy Statement on Urban Development

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect

- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

National Policy Statement for Freshwater Management (2020)

2.1 Objective

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 9: The habitats of indigenous freshwater species are protected.

Subpart 3 – Specific Requirements

effects management hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; then
- (b) where adverse effects cannot be avoided, they are minimised where practicable; then
- (c) where adverse effects cannot be minimised, they are remedied where practicable; then
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

specified infrastructure means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
- (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan

3.22 Natural inland wetlands

- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan:
“The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:
- (a) the loss of extent or values arises from any of the following:
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
 - (b) the regional council is satisfied that:
 - (ii) the specified infrastructure will provide significant national or regional benefits; and
 - (iii) there is a functional need for the specified infrastructure in that location; and
 - (iv) the effects of the activity are managed through applying the effects management hierarchy; or ...

3.22 Rivers

- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan: “The loss of river extent and values is avoided, unless the council is satisfied that:
- (a) there is a functional need for the activity in that location; and
 - (b) the effects of the activity are managed by applying the effects management hierarchy.

New Zealand Coastal Policy Statement (2010)

Objective 1: To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2: To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 5: To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Policy 1: Extent and characteristics of the coastal environment

1. Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
2. Recognise that the coastal environment includes:
 - a. the coastal marine area;
 - b. islands within the coastal marine area;
 - c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - d. areas at risk from coastal hazards;
 - e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - g. items of cultural and historic heritage in the coastal marine area or on the coast;
 - h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 11: Indigenous biological diversity

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - v. habitats, including areas and routes, important to migratory species; and
 - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 13: Preservation of natural character

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - a. natural elements, processes and patterns;
 - b. biophysical, ecological, geological and geomorphological aspects;
 - c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - d. the natural movement of water and sediment;
 - e. the natural darkness of the night sky;
 - f. places or areas that are wild or scenic;
 - g. a range of natural character from pristine to modified; and
 - h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15: Natural features and landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
- c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - i. natural science factors, including geological, topographical, ecological and dynamic components;
 - ii. the presence of water including in seas, lakes, rivers and streams;

- iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - iv. aesthetic values including memorability and naturalness;
 - v. vegetation (native and exotic);
 - vi. transient values, including presence of wildlife or other values at certain times of the day or year;
 - vii. whether the values are shared and recognised;
 - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - ix. historical and heritage associations; and
 - x. wild or scenic values;
- d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
 - e. including the objectives, policies and rules required by (d) in plans.

Nelson Regional Policy Statement (1997)

IN4 – Air Transport

- Objective IN4.2.1 The air transport needs of Nelson City and surrounding areas being met whilst avoiding, remedying or mitigating adverse effects on amenity values and the environment in general.
- Policy IN4.3.1 To ensure that adverse environmental effects of air transport including airports are avoided, remedied or mitigated.
- Policy IN4.3.2 To recognise the importance of air transport to the present and future well being of the wider Nelson/Tasman community.
- Policy IN4.3.3 Where expansion of air transport infrastructure is considered to have greater net benefit than intensification of the use of existing air transport infrastructure, to provide for the most appropriate form of expansion. In determining what is most appropriate, to assess the costs and benefits of the various options according to the criteria outlined in Section 5.1 Policy 3.
- Policy IN4.3.4 To minimise the adverse effects of airport-related noise on adjoining sensitive uses (including residential uses) by maintaining physical separation between the airport and such uses and through limiting the intensity, duration, level and frequency of airport generated noise.
- Policy IN4.3.5 To recognise and provide for land transport links with Nelson Airport.

DH2 – Natural Hazards

- Objective H2.2.1 Protection of property and human health and safety from the effects of natural hazards.
- Objective DH2.2.2 Adverse effects from hazard events being minimised.
- Objective DH2.2.3 Hazard proneness being minimised.
- Objective DH2.2.4 Remedy or mitigation of the adverse effects of hazard related works.

NA1 – Amenity

- Objective NA1.2.1 Preservation or enhancement of amenity and conservation values.
- Policy NA1.3.3 To avoid and as far as possible remedy or mitigate the conflicts between adjoining land uses including the provision of services and/or facilities.

NA2 – Landscape Values and Natural Features

- Objective NA2.2.1 A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected.
- Policy NA2.3.1 To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City.
- Policy NA2.3.9 To preserve the natural character of the coastal environment.

NA3 – Protection of significant indigenous vegetation and significant habitats of indigenous fauna

- Objective NA3.2.1 Protection of areas of significant indigenous flora and significant habitats of indigenous fauna.
- Policy A3.3.3 To encourage the retention of all areas of indigenous vegetation.

Policy NA3.3.5 To maintain and protect corridors important to the movement of biota and to recognise the intrinsic values of ecosystems.

NA5 – Management of riparian and coastal margins

Objective NA5.2.1 Management of riparian and coastal margins which protects and enhances significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality.

Policy NA5.3.5 Where a riparian or coastal margin is considered of low priority for protection, to encourage appropriate management through general provisions in the District Plan but otherwise not seek additional protection.

Policy A5.3.13 To manage riparian and coastal margins in such a way as to enhance or maintain water quality.

Nelson Resource Management Plan (2004)

Chapter 5 - District Wide Objectives and Policies

Māori and Resources

Objective DO1.1 Māori and Resources

Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety.

Policy DO1.1.1 Relationship with ancestral resources

Natural and physical resources should be managed in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Policy DO1.1.2 Treaty principles and kaitiakitanga

Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga.

Natural Hazards

Objective DO2.1 Natural hazards

An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated.

Policy DO2.1.1 Health and safety

Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety.

Policy DO2.1.2 Property and environment

Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated.

Heritage

Objective DO4.1 Heritage values

Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items.

Policy DO4.1.1 Heritage identification and classification
Heritage buildings, places, or objects, and important trees, should be identified in this Plan

Natural Values

Objective DO5.1 **Natural values**
An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.

Policy DO5.1.1 **Areas with high natural values**
Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table DO5.1, and managed in such a way that protects and enhances those values.

Riparian and Coastal Margins

Objective DO6.1 **riparian and coastal margins**
Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.

Policy DO6.1.4 **management of margins**
The long term natural functioning of riparian and coastal margins should not be adversely affected by activities. In particular, natural values of margins including water quality, the habitats of plants and animals, landscape, and amenity values, including potential enhancement opportunities should be recognised and protected.

Coastal Environment

Objective DO7.1 **Natural character**
Preservation of the natural character of the coastal environment from inappropriate subdivision, use and development.

Policy DO7.1.2 **Adverse effects**
Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.

Policy DO7.1.4 **Land use, development, and subdivision**
Subdivision, use, or development of land in the coastal environment should be located, designed and managed in a way that protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.

Landscape

Objective DO9.1 **Landscape**
A landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected.

Policy DO9.1.1 **Significant features**
Significant landscape and coastal features which contribute to the setting of Nelson should be protected.

Policy DO9.1.2 Development
Development should be undertaken in a manner which avoids, remedies, or mitigates adverse effects on the landscape, coastal features and amenity values.

Policy DO9.1.4 Visual amenities
Particular regard should be had for the protection of visual amenity values in the following areas: ..
 d) shorelines / riparian margins, and
 e) ..., and
 f) relatively unmodified parts of the coastal environment.

Air Transport

Objective DO11.1 Air transport
The long term continuation of Nelson Airport at its present location, with provision for controlled growth in aircraft movements, whilst managing the effects of noise and other potential adverse effects on the community.

Policy DO11.1.1 Recognition of airport resource
The operational area of the airport should be recognised and considered as an important community resource of a predominantly industrial character.

Policy DO11.1.2 Noise effects of aircraft
Noise effects of aircraft should be reasonable, in the context of the neighbourhoods surrounding Nelson Airport, and in any case should not exceed levels projected for the year 2020.

Policy DO11.1.3 Management of receiving environment
The potential exposure of communities to airport noise should be managed to ensure that a reasonable balance is achieved between the operational needs of the airport over time, and the amenities and wellbeing of the community.

Policy DO11.1.4 Management, monitoring, and review
The Airport Authority will be encouraged to pursue its commitment to environmental management and self monitoring of environmental effects of airport operations through the preparation, adoption, implementation and review of a Nelson Regional Airport Environmental Management Plan. In particular, the Airport Authority will be encouraged to consult with appropriate organisations and nearby residents in preparing, and reviewing the Plan, and adopt and implement the Nelson Regional Airport Environmental Management Plan no later than six months after this Resource Management Plan becomes operative.

Policy DO11.1.5 Noise management and mitigation
The Airport Authority, in association with the "Nelson Airport Noise Environment Advisory Committee" will establish a noise management plan for airport activities, including a regular noise monitoring programme and regular review. In particular, the Airport Authority will adopt the noise management plan no later than six months after this Resource Management Plan becomes operative, and review it at two yearly intervals or more frequently.

Zones

Objective DO16.1 Management of resources by location
Management of the natural and physical resources of Nelson in a way that responds to the varying resource management issues and the varying actual and potential effects of use, subdivision,

development, and protection arising in different parts of the District.

Policy DO16.1.1 Zones (and areas)

The District should be divided into zones (and areas), for the purposes of resource management, as follows:....

National Adaption Plan (2022)

Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi - Adapt and thrive: Building a climate-resilient New Zealand – New Zealand's first national adaptation plan

Chapter 8: Infrastructure

Objective INF1 Reduce the vulnerability of assets exposed to climate change.

Objective INF2 Ensure all new infrastructure is fit for a changing climate

Objective INF3 Use renewal programmes to improve adaptive capacity.

Emissions Reduction Plan (2022)

Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy – New Zealand's First Emissions Reduction Plan

Chapter 10: Transport Focus Area 3: Begin work now to decarbonise heavy transport and freight.

Chapter 11: Energy and Industry Focus Area 3: Reduce our reliance on fossil fuels and support the switch to low emission fuels.

Chapter 12: Building and Construction

Objective 1: Reduce embodied carbon of buildings

Focus Area 1: Reduce embodied carbon of construction materials

Objective 2: Reduce Operational Emissions

Focus Area 4: Shift energy use from fossil fuels.