

## **Part 1 – Introduction and general provisions**

### **How the Plan Works**

#### **Statutory Context**

##### **1. Replacement of Former Operative Plans**

The Nelson Plan replaces the following Nelson City Council resource management documents:

1. Nelson Regional Policy Statement, operative March 1997;
2. Nelson Air Quality Plan, operative November 2008; and
3. Nelson Resource Management Plan, comprising the combined District and Regional Plan, operative September 2004, and the Regional Coastal Plan, operative May 2006.

##### **2. Resource Management Act 1991**

The RMA is the principal legislation for the management of natural and physical resources in New Zealand. The RMA provides a framework for the management of land, water, air and the coastal environment, and the control of discharges to the environment, with national, regional and territorial levels of responsibility.

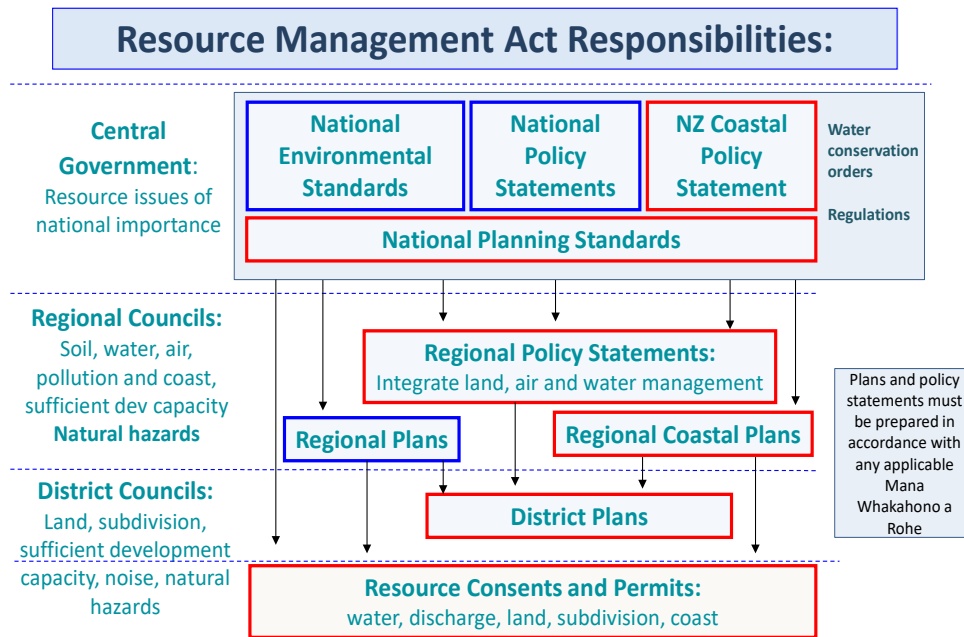
The overriding purpose of the RMA is to promote sustainable management of natural and physical resources, as set out in section 5 of the RMA.

The RMA identifies a number of matters that are of particular significance in achieving this purpose. These are set out in section 6, section 7 and section 8 of the RMA, with obligations provided for those administering it. The matters fall under:

1. Matters of national importance (section 6 of the RMA) – lists matters of national importance that must be recognised and provided for by all persons exercising functions and powers under the RMA;
2. Other matters (section 7 of the RMA) – sets out other matters that persons exercising functions and powers under the RMA are to have particular regard to; and
3. Treaty of Waitangi (section 8 of the RMA) – all persons exercising functions and powers under the RMA shall take into account the principles of the Treaty of Waitangi.

The Nelson Plan sits within a hierarchy of policy statements and plans required by the RMA at various levels of direction. This is illustrated in Statutory context – Figure 1: Hierarchy of Policy Statements and Plans required by the RMA, below.

**Statutory context – Figure 1: Hierarchy of Policy Statements and Plans required by the RMA**



**3. Treaty Settlements**

1. The Te Tau Ihu settlements are separated into the following three Acts:
  - a. Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014;
  - b. Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014; and
  - c. Ngāti Toa Rangatira Claims Settlement Act 2014.
2. Treaty settlements for Te Tau Ihu are made up of the following:
  - a. Historical Account, Acknowledgements and Crown Apology;
  - b. Cultural Redress; and
  - c. Financial and Commercial Redress.

Treaty settlements are just the start of the journey for tangata whenua and the Nelson City Council, which will require ongoing work on relationships and obligations in order to implement cultural redress.

**4. Statutory Acknowledgements**

A statutory acknowledgement recognises the particular cultural, spiritual, historical and traditional association of an iwi with the identified site/area. This type of redress enhances the ability of the iwi to participate in specified RMA processes. When a claimant group and the Crown reach agreement on a settlement offer they enter into a deed of settlement setting out the terms of that settlement. Legislation is required to give effect to some elements of a treaty settlement including statutory acknowledgements.

A statutory acknowledgement involves:

1. The settling iwi provide a statement of their association with the site/area of significance;
2. This statement is recorded in the deed of settlement;
3. The identification and description of the area over which the redress will apply. This is referred to in the legislation as the 'statutory area';
4. The Crown then acknowledges the statement from the iwi in statute (the settlement legislation); and
5. Obligations on the local Council and other entities such as Heritage NZ and the Environment Court.

A statutory area can have more than one statutory acknowledgement from more than one iwi associated with it, and the statutory acknowledgements of each of the eight iwi of Te Tau Ihu should be checked in relation to any statutory area. The Nelson City Council is required to have regard to these statutory acknowledgements in performing its functions under the RMA.

The statutory acknowledgements arising from the Te Tau Ihu settlements do not form part of the Nelson Plan, and links to the statutory acknowledgements are set out below:

<http://www.nelson.govt.nz/assets/Environment/Downloads/TeTauIhu-StatutoryAcknowledgements.pdf>

## **5. Other Strategies, Plans and Regulations**

The Nelson Plan has relationships with and links to a number of other strategies, plans and regulations have been prepared under other legislation. The documents that are relevant in the development and implementation of the Nelson Plan include:

1. other Nelson City Council documents, including strategies and plans, prepared under other legislation, including but not limited to:
  - a. The Long Term Plan;
  - b. Annual Plans;
  - c. Infrastructure Strategy;
  - d. Nelson Regional Land Transport Plan; and
  - e. Nelson Tasman Land Development Manual 2019;
2. planning documents recognised by iwi authorities;
3. management plans, strategies and standards prepared under other Acts;
4. Treaty settlement legislation;
5. entries on the NZ Heritage List / Rārangī Kōrero, required by the Heritage New Zealand Pouhere Taonga Act 2014;
6. fisheries regulations;
7. policy statements and plans of Marlborough and Tasman District Councils; and
8. regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

Many of the topics addressed by the Nelson Plan are also addressed in other Nelson City Council plans and strategies that have complementary purposes, such as the focus on asset management and operational activities, undertaken by or on behalf of Council. The Nelson Plan is nonetheless a stand-

alone document, being bound and implemented under the RMA, with its purpose and intent focusing on sustainable development of natural and physical resources and managing effects of activities carried out within Whakatū Nelson.

## **6. Externally Referenced Documents**

In some provisions of the Nelson Plan external documents have been referenced (as provided by Part 3 of Schedule 1 of the RMA). These documents have legal effect as part of the Nelson Plan.

These documents set out standards, requirements or recommended practices of international or national organisations or those prescribed in any other country or jurisdiction, that the provisions in Part 3 of the Nelson Plan:

1. require compliance with, in order to assume a particular consent status;
2. are referred to as matters for control or discretion;
3. are referenced in Part 1, Interpretation – Definitions; or
4. are referenced in Part 6, Appendices.