

APPENDIX 8.1: STATUTORY REQUIREMENTS

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Section/Clause	Text	Summary – briefly summarise how these clauses/sections have been complied with
Schedule 1 3 Consultation	<p>(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—</p> <ul style="list-style-type: none"> (a) the Minister for the Environment; and (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and (c) local authorities who may be so affected; and (d) the tangata whenua of the area who may be so affected, through iwi authorities; and (e) any customary marine title group in the area. <p>(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.</p> <p>(3) Without limiting sub clauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult—</p> <ul style="list-style-type: none"> (a) the Minister of Conservation generally as to the content of the plan, and with respect to those activities to be described as restricted coastal activities in the proposed plan; and (b) the Minister of Transport in relation to matters to do with navigation and the Minister’s functions under Parts 18 to 27 of the Maritime Transport Act 1994; and (c) the Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities. <p>(4) In consulting persons for the purposes of sub clause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.</p>	<p>Full consultation has been carried as out as set out in Appendix 4 of this report.</p>

<p>Schedule 1 4A Further Pre-Notification Requirements Concerning Iwi Authorities</p>	<p>(1) Before notifying a proposed policy statement or plan, a local authority must—</p> <p>(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause; and</p> <p>(b) have regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.</p> <p>(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with sub clause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.</p>	<p>During the preparation and formation of the s.32 and plan change documentation full consultation has occurred with the Iwi Authority and their representative hapu collective (refer to Appendix 4).</p> <p>The final draft s.32 was reviewed by Waikato Tainui, as the Iwi Authority in accordance with s.32(4A), between November 2018 and early January 2019. The outcomes of that review have been confirmation of their general support of the plan change and the identification of two overarching matters that are to be considered for all resource management activities, being – the management and protection of remnant peatlands and the sequestration of carbon dioxide through improving land use activities. This feedback has been tested against the strategic framework that already is set out in the Operative District Plan. It is considered that the strategic planning provisions for the district plan already capture and set out an appropriate approach to address the matters raised in the feedback. Accordingly, no additional text is required to be added into the planning document.</p>
<p>5 Purpose</p>	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) In this Act, sustainable management means managing the use,</p>	<p>A full s.32 evaluation has been completed in accordance with the RMA requirements.</p>

	<p>development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p>	
<p>32 Requirements for Preparing and Publishing Evaluation Reports</p>	<p>(1) An evaluation report required under this Act must—</p> <p>(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</p> <p>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</p> <p>(i) identifying other reasonably practicable options for achieving the objectives; and</p> <p>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</p> <p>(iii) summarising the reasons for deciding on the provisions; and</p> <p>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</p> <p>(2) An assessment under subsection (1)(b)(ii) must—</p> <p>(a) identify and assess the benefits and costs of the environmental,</p>	

	<p>economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—</p> <ul style="list-style-type: none"> (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced; and <p>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and</p> <p>(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</p> <p>(3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—</p> <ul style="list-style-type: none"> (a) the provisions and objectives of the amending proposal; and (b) the objectives of the existing proposal to the extent that those objectives— <ul style="list-style-type: none"> (i) are relevant to the objectives of the amending proposal; and (ii) would remain if the amending proposal were to take effect. <p>(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.</p> <p>(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—</p> <ul style="list-style-type: none"> (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice. 	
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	<p>(5) The person who must have regard to the evaluation report must make the report available for public inspection—</p> <p>(a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or</p> <p>(b) at the same time as the proposal is notified.</p> <p>(6) In this section,—</p> <p>objectives means,—</p> <p>(a) for a proposal that contains or states objectives, those objectives:</p> <p>(b) for all other proposals, the purpose of the proposal</p> <p>proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act</p> <p>provisions means,—</p> <p>(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:</p> <p>(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.</p>	
<p>32A Failure To Carry Out Evaluation</p>	<p>(1) A challenge to an objective, policy, rule, or other method on the ground that an evaluation report required under this Act has not been prepared or regarded, a further evaluation required under this Act has not been undertaken or regarded, or section 32 or 32AA has not been complied with may be made only in a submission under section 49, 149E, 149F, or 149O or under Schedule 1.</p> <p>(2) Subsection (1) does not prevent a person who is hearing a submission or an appeal on a proposal from having regard to the matters stated in section 32.</p> <p>(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which—</p> <p>(a) an evaluation report must be prepared under this Act; or</p>	<p>No comment required, a full s.32 evaluation has been undertaken.</p>

	(b) a further evaluation must be undertaken under this Act.	
72 Purpose of district plans	The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.	-
73 Preparation and change of district plans	<p>(1) There must at all times be 1 district plan for each district, prepared in the manner set out in the relevant Part of Schedule 1.</p> <p>(1A) A district plan may be changed in the manner set out in the relevant Part of Schedule 1.</p> <p>(1B) A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.</p> <p>(2) Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.</p> <p>(2A) A request for a plan change may be made jointly with an application to exchange recreation reserve land under 'section 15AA' of the Reserves Act 1977 if the territorial authority—</p> <p>(a) is also the administering body in which the recreation reserve land is vested; and</p> <p>(b) agrees that the request and application may be made jointly.</p> <p>(3) A district plan may be prepared in territorial sections.</p> <p>(4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—</p> <p>(a) the statement contains a provision to which the plan does not give effect; and</p> <p>(b) one of the following occurs:</p> <p>(i) the statement is reviewed under section 79 and not changed or replaced; or</p> <p>(ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or</p>	-

	<p>(iii)the statement is changed or varied and becomes operative.</p> <p>(5)A local authority must comply with subsection (4)—</p> <p>(a)within the time specified in the statement, if a time is specified; or</p> <p>(b)as soon as reasonably practicable, in any other case.</p>	
<p>74 Matters to be considered by territorial authority</p>	<p>(1)A territorial authority must prepare and change its district plan in accordance with—</p> <p>(a)its functions under section 31; and</p> <p>(b)the provisions of Part 2; and</p> <p>(c)a direction given under section 25A(2); and</p> <p>(d)its obligation (if any) to prepare an evaluation report in accordance with section 32; and</p> <p>(e)its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and</p> <p>(ea)a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and</p> <p>(f)any regulations.</p> <p>(2)In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—</p> <p>(a)any—</p> <p>(i)proposed regional policy statement; or</p> <p>(ii)proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and</p> <p>(b)any—</p> <p>(i)management plans and strategies prepared under other Acts; and</p> <p>(ii)[Repealed]</p> <p>(iia)relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and</p> <p>(iii)regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including</p>	<p>All matters have been considered in the preparation of the proposed plan change.</p>

	<p>regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—</p> <p>to the extent that their content has a bearing on resource management issues of the district; and</p> <p>(c)the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.</p> <p>(2A)A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.</p> <p>(3)In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.</p>	
<p>75 Contents of district plans</p>	<p>(1)A district plan must state—</p> <p>(a)the objectives for the district; and</p> <p>(b)the policies to implement the objectives; and</p> <p>(c)the rules (if any) to implement the policies.</p> <p>(2)A district plan may state—</p> <p>(a)the significant resource management issues for the district; and</p> <p>(b)the methods, other than rules, for implementing the policies for the district; and</p> <p>(c)the principal reasons for adopting the policies and methods; and</p> <p>(d)the environmental results expected from the policies and methods; and</p> <p>(e)the procedures for monitoring the efficiency and effectiveness of the policies and methods; and</p> <p>(f)the processes for dealing with issues that cross territorial authority boundaries; and</p> <p>(g)the information to be included with an application for a resource consent; and</p> <p>(h)any other information required for the purpose of the territorial</p>	-

	<p>authority's functions, powers, and duties under this Act.</p> <p>(3)A district plan must give effect to—</p> <p>(a)any national policy statement; and</p> <p>(b)any New Zealand coastal policy statement; and</p> <p>(ba)a national planning standard; and</p> <p>(c)any regional policy statement.</p> <p>(4)A district plan must not be inconsistent with—</p> <p>(a)a water conservation order; or</p> <p>(b)a regional plan for any matter specified in section 30(1).</p> <p>(5)A district plan may incorporate material by reference under Part 3 of Schedule 1.</p>	
<p>81 Boundary Adjustments</p>	<p>(1) Where the boundaries of any region or district are altered, and any area comes within the jurisdiction of a different local authority,—</p> <p>(a) the plan or proposed plan that applied to the area before the alteration of the boundaries shall continue to apply to that area and shall, in so far as it applies to the area, be deemed to be part of the plan or proposed plan of the different local authority:</p> <p>(b) any activity that may, before the alteration of the boundaries, have been undertaken under section 19 may continue to be undertaken as if the alteration of the boundaries had not taken place.</p> <p>(2) Where the boundaries of any district are altered to include within that district any area not previously within the boundaries of any other district, no person may use that land unless expressly allowed by a resource consent, until a district plan provides otherwise.</p> <p>(3) A territorial authority shall, as soon as practicable but within 2 years, make such changes to its district plans as it considers necessary to cover any area that comes within its jurisdiction, and, after the changes are made, this section shall cease to apply.</p>	<p>This is the main reason for the proposed plan change.</p>