

**APPENDIX 10**  
**RESOURCE MANAGEMENT FRAMEWORK**

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## RESOURCE MANAGEMENT FRAMEWORK

The Resource Management Act (1991) (the Act) is the principal legislation for the management of natural and physical resources of New Zealand. The Act provides a framework within which a plan change proposal may be exercised, which is detailed as follows:

### Part 2 Matters

#### 1 Section 5- Purpose of the Act

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

#### 2 Section 6- Matters of National Importance

- a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

- f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- g) *The protection of recognised customary activities.*

### **3 Section 7- Other Matters**

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon:*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy.*

## **Part 4 Matters**

### **4 Section 31- Functions of Territorial Authority**

*Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

- (1) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

- (a) *The control of any actual or potential effects of the use, development, or protection of and, including for the purpose of:*
  - (i) *the avoidance or mitigation of natural hazards; and*
  - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
  - (iii) *the maintenance of indigenous biological diversity:*
- (b) *Repealed.*
- (c) *The control of the emission of noise and the mitigation of the effects of noise:*
- (d) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

*Any other functions specified in this Act.*

## **5 Section 32- Consideration of Alternatives, Benefits & Costs**

*Section 32(1)(c) and (d) sets out that the applicant and Territorial Authority shall evaluate a proposed plan change in accordance with section 32 (3)- (6) as follows:*

- (1 ) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by*
  - (a) *the Minister, for a national policy statement or a national environmental standard; or*
  - (b) *the Minister of Conservation, for the New Zealand coastal policy statement; or*
  - (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2) (b) of Part 2 of Schedule 1; or*
  - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2) (b) of Part 2 of the Schedule 1.*
- (2) *A further evaluation must also be made by*
  - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
  - (b) *the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*

- (3) *An evaluation must examine:*
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
  - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (3A) *This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district*
- (4) *For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account:*
- (a) the benefits and costs of policies, rules, or other methods; and*
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

## **Part 5 Matters**

### **6 Section 73- Preparation and Change of District Plans**

- (1) There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.*
- (1A) A district plan may be changed by a territorial authority in the manner set out in Schedule 1.*
- (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.*
- (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 Schedule 1.*
- (3) A district plan may be prepared in territorial sections.*

*(4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—*

*(a) the statement contains a provision to which the plan does not give effect; and*

*(b) 1 of the following occurs:*

*(i) the statement is reviewed under section 79 and not changed or replaced; or*

*(ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*

*(iii) the statement is changed or varied and becomes operative.*

*(5) A local authority must comply with subsection (4)—*

*(a) within the time specified in the statement, if a time is specified; or*

*(b) as soon as reasonably practicable, in any other case.*

## **6.1 Section 73- Schedule 1- Clause 21**

### **21 Requests**

*(1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).*

*(2) Any person may request the preparation of a regional plan, other than a regional coastal plan.*

*(3) Any Minister of the Crown or any territorial authority in the region may request a change to a ... policy statement.*

*(4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part I shall apply.*

## **6.2 Section 73- Schedule 1- Clause 22**

**22 Form of Request**

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.*
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*