

HOW THE PLAN WORKS

Statutory context

Resource Management Act 1991

The RMA defines natural and physical resources as 'land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures'.

Section 73 of the RMA requires Waitomo District Council to have an operative district plan in place at all times. The purpose of a district plan is to achieve the purpose of the Act (as defined by Part 2), which is 'to promote the sustainable management of natural and physical resources'. Section 6 of the Act also places a duty on Waitomo District Council to recognise and provide for a range of matters of national importance, and section 7 of the Act identifies other matters which Waitomo District Council must have regard to in exercising its functions and powers under the Act. Section 8 of the RMA requires Waitomo District Council to take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

These matters have been addressed in the objectives, policies and rules in this plan. In addition, this plan has been prepared to give effect to, have regard to (or not to be inconsistent with) other applicable documents to achieve the integrated management of natural and physical resources (as described in the section below). Section 32 of the Act sets out how territorial authorities must evaluate objectives and provisions in order to ensure that these are appropriate, including giving effect to the Act and other documents as required. This plan has been prepared in accordance with the process defined under section 32 of the Act.

The Treaty of Waitangi/Te Tiriti o Waitangi and the Resource Management Act 1991

Kia hora te marino, Kia whakapapa
pounamu te moana, kia tere te
Kārohirohi i mua i tōu huarahi

May the calm be widespread, may the ocean glisten as greenstone, may the shimmer of light ever dance across your pathway.

This whakataukī sits at the front of this plan. Chief Rangawhenua spoke these words to the second Māori King, King Tāwhiao in 1884 just prior to his departure to England to deliver a petition to Queen Victoria seeking recognition of tribal sovereignty. While a

number of Māori met with Queen Victoria over this period, King Tāwhiao and his group were not granted an audience. This extract contains the last part of his petition:

'We your Māori people continue to hold fast to the Treaty of Waitangi and its principles together with its mana. It is these principles which guide those things about which we petition, and for which we crossed the Pacific Ocean. We also request an audience with the queen so that we can renew the words of that treaty and so that neither the New Zealand government nor any action of it is able to undermine the Treaty. Greetings to the Queen'.

Section 8 of the RMA requires that in achieving its purpose of sustainable management, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, must take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. This plan aims to ensure that the values of active involvement, partnership, ongoing consultation, tikanga Māori and the perspective of Te Ao Māori are appropriately considered and reflected in its provisions. The mana whenua chapter of this plan outlines Waitomo District Council's legal obligations to mana whenua under the RMA. This chapter also describes treaty settlement interests and statutory acknowledgements, and details formal relationship agreements between Council and mana whenua. This plan recognises that Waitomo District Council is required to:

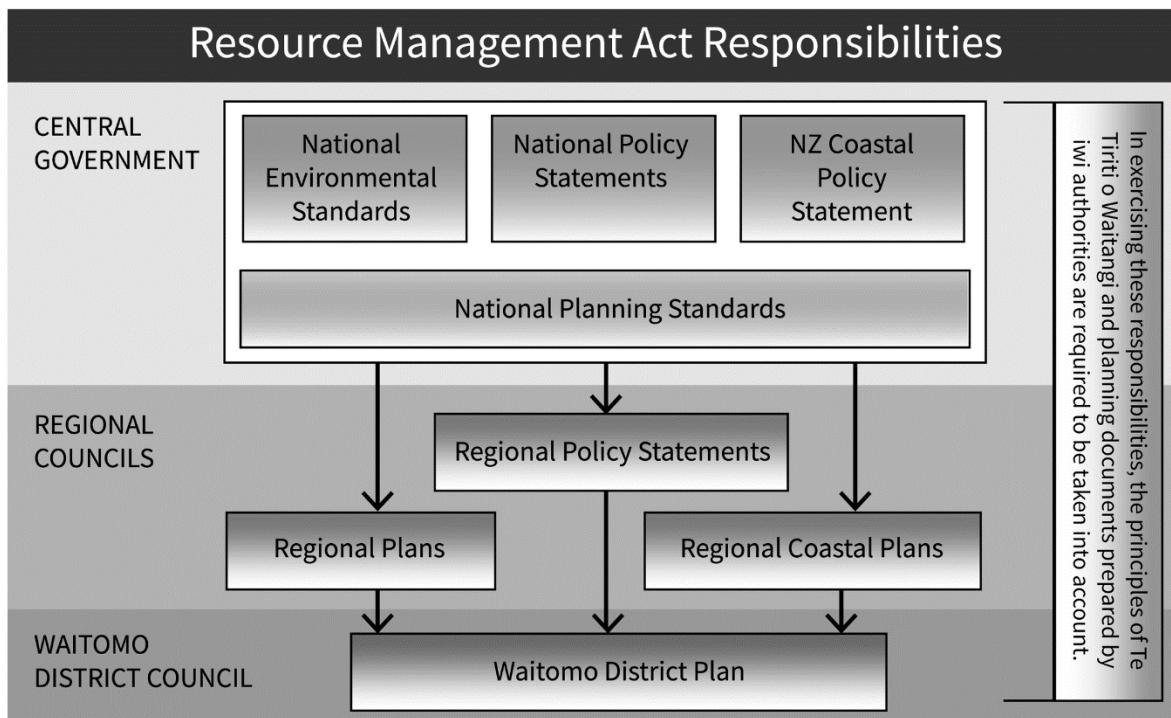
- Recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s6(e)), protect historic heritage from inappropriate subdivision, use, and development (s6(f)) and recognise and provide for the protection of protected customary rights (s6(g)).
- Have particular regard to kaitiakitanga (s7(a)).
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi (s8).

At the time of notifying the Proposed Waitomo District Plan the Maniapoto Claims Settlement Bill has not been enacted. The plan will need to be amended when this has occurred.

Relationships with other planning documents and policies

The Act requires integrated management of the environment and as such, this plan is prepared within a hierarchy of policy statements and plans that, together with the RMA, form the statutory context for plan-making. The intention of the Act is that these plans and documents should work together to achieve integrated management of natural and physical resources. The relationship between this plan and these planning and policy documents under the RMA is shown in the figure below:

Figure 1 - Resource Management Act Responsibilities



Central government provides policy direction on resource management issues that are of national importance through national policy statements. In accordance with section 75 of the RMA, this plan must give effect to these national policy statements. Central government can also produce national environmental standards. Section 43B of the RMA sets out the relationship between national environmental standards and district plan rules. This relationship is further outlined in respect of the resource consent process in the general approach chapter.

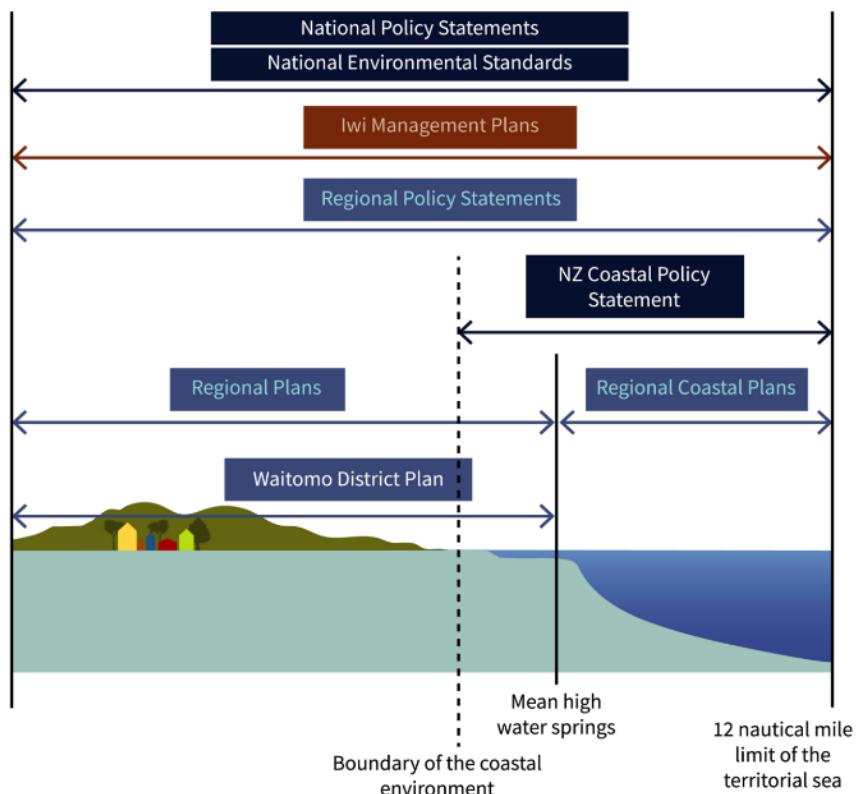
Regional Councils are required to prepare a Regional Policy Statement and a Regional Coastal Plan and may also prepare Regional Plans under the RMA. This plan must give effect to Regional Policy Statements and must not be inconsistent with Regional Plans. Waitomo District is split between two Regional Councils as shown in the figure below. Most of the district is located in the Waikato Region, but a small area in the south eastern part is in the Manawatū-Whanganui Region. This plan applies to land above the line of mean high-water springs (MHWS) and the surface of waterbodies within the district's territorial boundaries as shown in the figures below.

STATUTORY CONTEXT

Figure 2 - Waitomo District's territorial boundaries



Figure 3 - Resource Management Act responsibilities and where they have effect



Proposed Waitomo District Plan

Part 1 –Introduction and general provisions – How the Plan Works – Statutory Context

Notified Version 20 October 2022

Page 4 of 8

Relevant planning documents

National level

Document	Document purpose	Relationship with this plan as directed by the RMA
National Policy Statements (as set out in the National Policy Statements and New Zealand Coastal Policy Statement chapter)	The instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance.	District Plans must give effect to National Policy Statements (section 75(3)(a)-(b) of the Act).
National Environmental Standards (as set out in the National Environmental Standards chapter)	Regulations issued under section 43 of the Act. These set technical standards in relation to the use development, and protection of natural and physical resources.	District Plans must not duplicate or conflict with National Environmental Standards (section 44A of the Act).
National Planning Standards	The purpose (as set out in section 58B of the Act) is to assist in achieving the purpose of the Act and set out requirements or other provisions relating to any aspect of the structure, format or content of plans.	District Plans must give effect to the National Planning Standard (section 75(3)(ba)) and amend any document if a national planning standard directs it to do so (section 58I of the Act).
Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River 2010	Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River is set out in schedules of several Acts including the Nga Wai o Maniapoto (Waipa River) Act 2012. The Vision and Strategy is the primary direction-setting document for the Waikato and Waipa Rivers and their catchments.	The vision and strategy in its entirety is deemed to be part of the Waikato Regional Policy Statement under section 11 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. District Plans must give effect to any regional policy statement (section 75(3)(c) of the Act).

Regional level

Document	Document purpose	Relationship with this plan as directed by the RMA
Waikato Regional Policy Statement	Provides an overview of resource management issues facing the Waikato region and outlines objectives, policies and methods to address integrated management of natural and physical resources.	District Plans must give effect to any regional policy statement (section 75(3)(c) of the Act) and have regard to any proposed regional policy statement (section 74(2)(a) of the Act).

STATUTORY CONTEXT

Document	Document purpose	Relationship with this plan as directed by the RMA
Manawatū Whanganui One Plan	Joint regional policy statement and regional plan. Outlines objectives, policies, and methods to address integrated management of the natural and physical resources across the Manawatū Whanganui region. The purpose of a regional plan is to assist a regional council to carry out its functions in order to achieve the sustainable management purpose of the RMA.	District Plans must give effect to any regional policy statement (section 75(3)(c) of the Act) and have regard to any proposed regional policy statement (section 74(2)(a) of the Act). District Plans must not be inconsistent with a regional plan for any matter specified in section 30(1) of the Act (section 75(4)(b) of the Act) and shall have regard to any proposed regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility for under Part 4 of the Act (section 74(2)(b)(ii) of the Act).
Waikato Regional Plan Waikato Regional Coastal Plan	The purpose of a regional plan is to assist a regional council to carry out its functions in order to achieve the sustainable management purpose of the RMA.	District Plans must not be inconsistent with a regional plan for any matter specified in section 30(1) of the Act (section 75(4)(b) of the Act) and shall have regard to any proposed regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility for under Part 4 of the Act (section 74(2)(b)(ii) of the Act).
Iwi management plans including: 1. Ko Tā Maniapoto Mahere Taiao. Environmental Management Plan 2018 2. Waikato-Tainui Environmental Management Plan 2013	These plans were developed and approved by Iwi to address matters of resource management significance within their respective rohe. The plans can contain information relating to specific cultural values, historical accounts, descriptions of areas of interest, and consultation and engagement protocols for resource consents and plan changes.	District Plans 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 (section 74(2A) of the Act).

District level

Document	Document purpose	Relationship with this plan as directed by the RMA
Waitomo District Long-Term Plan (LTP) and Annual Plan	These documents are prepared under the Local Government Act 2002 to establish community outcomes in terms of social, cultural, economic and environmental matters and to outline the Council's responses to those in terms of budget priorities and programmes.	District Plans must have regard to these documents to the extent that their content has a bearing on resource management issues of the district (section 74(2)(b)(i) of the Act).

Proposed Waitomo District Plan

Part 1 –Introduction and general provisions – How the Plan Works – Statutory Context

Notified Version 20 October 2022

Page 6 of 8

STATUTORY CONTEXT

Document	Document purpose	Relationship with this plan as directed by the RMA
Maniaiti/Benneydale Town Concept Plan Mokau Town Concept Plan Piopio Town Concept Plan Te Kūti Town Concept Plan Waitomo Caves Village Town Concept Plan	These local place making and place shaping plans identify key moves and actions to help guide Council decision-making to deliver more integrated and sustainable social, economic and environmental outcomes for these communities.	District Plans must have regard to these documents to the extent that their content has a bearing on resource management issues of the district (section 74(2)(b)(i) of the Act).
Statutory acknowledgements relating to treaty settlements, including: 1. Waikato-Tainui - Waikato Raupatu Claims Settlement Act 1995 2. Waikato-Tainui - Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 3. Maniapoto - Nga Wai o Maniapoto (Waipa River) Act 2012 4. Rereahu - Maraeroa A and B Blocks Claims Settlement Act 2012 5. Ngāti Tūwharetoa - Ngāti Tūwharetoa Claims Settlement Act 2018 6. Raukawa – Raukawa Claims Settlement Act 2014	A treaty settlement is an agreement between the Crown and a Māori claimant group to settle that claimant group's historical claims against the Crown. The deed of settlement includes statutory acknowledgements, which are a formal acknowledgement by the Crown recognising the particular cultural, spiritual, historical and traditional association of iwi or hapū with a site or area of significance or a resource.	Procedural requirements of treaty settlements impact upon resource management processes concerning identified statutory acknowledgement areas. Waitomo District Council must: (i) have regard to the statutory acknowledgements in its decision-making (s74(2)(b)(i)). (ii) forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity; (iii) record all relevant Statutory Acknowledgements in the District Plan. The governance entity and any member of the Iwi can also cite the statutory acknowledgements as evidence of the association of the Iwi with the relevant statutory area.
Heritage New Zealand List - Rārangi Kōrero	This list is required by the Heritage New Zealand Pouhere Taonga Act 2014. It lists all buildings, places and sites that are of social or outstanding historical or cultural significance or value.	District Plans must have regard to this list, to the extent that its content has a bearing on resource management issues of the district (section 74(2)(b)(iia) of the Act).
Waitomo District Comprehensive Reserve Management Plan Department of Conservation Reserve Management Plans	Within the district there are a number of reserves administered under the Reserves Act 1977. Under this Act, the Department of Conservation and Waitomo District Council prepare reserve management plans which manage use, maintenance and access of the public land.	District Plans must have regard to these plans, to the extent that their content has a bearing on resource management issues of the district (section 74(2)(b)(i) of the Act).

STATUTORY CONTEXT

Document	Document purpose	Relationship with this plan as directed by the RMA
Waikato Conservation Management Strategy, Wanganui Conservation Management Strategy and Conservation Management Plans	These documents are prepared under the Conservation Act 1987 and apply to natural and historic resources managed by the Department of Conservation.	District Plans must have regard to these plans, to the extent that their content has a bearing on resource management issues of the district (section 74(2)(b)(i) of the Act).