

Statutory Context

Section 73 of the Resource Management Act (RMA) states that the Waitaki District Council must have a District Plan at all times.

The purpose, function, and contents of the District Plan are directed towards achieving the purpose of the RMA, which is to *‘promote the sustainable management of natural and physical resources’*.

Sections 6, 7 and 8 of the RMA also place additional duties on Waitaki District Council when exercising its functions and powers. Under section 6, WDC must recognise and provide for a range of matters of national importance. Section 7 of the RMA identifies matters which WDC must have regard to, and section 8 requires WDC to take the principles of the Treaty of Waitangi into account.

The District Plan sits within a hierarchy under the RMA, which gives national, regional, and district level direction through policy and planning documents. The hierarchy between the District Plan and these documents is shown in Figure 1 below.

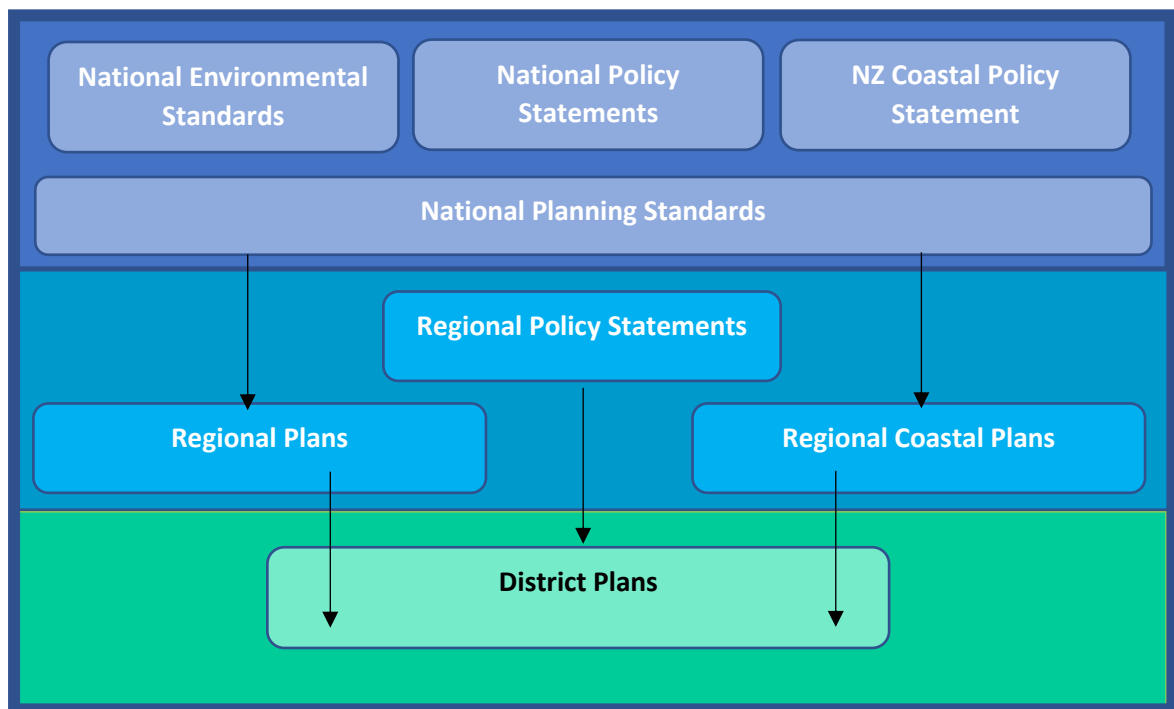


Figure 1 Resource Management Act Responsibilities

The District Plan must give effect to any National Policy Statement, New Zealand Coastal Policy Statement, National Planning Standard and Regional Policy Statement. WDC is also required to enforce any relevant National Environmental Standard prepared under the RMA. Plan rules may not duplicate National Environmental Standard provisions or be more lenient than them, unless specifically provided for in the National Environmental Standard.

The Waitaki District is in a unique position where we must give effect to the Regional Policy Statements for both the Otago Region and the Canterbury Region.

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

The RMA has a number of statutory provisions to ensure that the relationship between takata whenua and natural and physical resources are recognised and appropriately addressed.

The Treaty of Waitangi/Te Tiriti o Waitangi is a foundational legal document for New Zealand. The Crown is the primary treaty partner responsible for the treaty relationship. However, in delegating responsibilities to councils, Parliament acknowledges the need to ensure that councils give appropriate consideration to the principles of the Treaty as part of their statutory obligations to Māori.

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, shall take into account the principles of the Treaty of Waitangi/ Te Tiriti o Waitangi.

Of particular relevance to the relationship between takata whenua and natural and physical resources, local authorities are required to

1. recognise and provide for the relationship of Māori with their ancestral lands, water, sites, wāhi tapu, and other taonga (s6(e));
2. protect historic heritage from inappropriate subdivision, use, and development (s6(f));
3. protect protected customary rights (s6(g)); and
4. have regard to kaitiakitanga (s7(a)).

Aukaha, a rūnaka based consultancy service with governance from five rūnaka owners; Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga have been engaged to work with WDC and rūnaka in the development and drafting of the Waitaki District Plan.

Te Rūnanga o Arowhenua have granted Aukaha approval to work with Waitaki District in the development and drafting of the Plan with consideration for their values, concerns and interests. Aukaha have had representation on technical working groups for the draft District Plan development and have worked directly with council staff to ensure mana whenua values and concerns have been integrated into objectives, policies, rules and assessment matters throughout the Plan. Sites of Significance to Māori have been identified by mana whenua and recommendations have informed the policy approaches.

Other Planning Documents and Legislation Considered

WDC is required by sections 74(2) and 74(2A) of the RMA to have regard to other relevant planning documents or management plans. In preparing the Plan, WDC have had regard to the following:

- Historic Places List;
- Building Act 2004;
- Local Government Act 2002;
- Heritage New Zealand Pouhere Taonga Act 2014;
- Hazardous Substances and New Organisms (HSNO) Act 1996;
- Health and Safety in Employment Act 1992;
- Reserves Act 1997;

- Conservation Act 1987;
- Land Transport Management Act 2003;
- Land Transport Act 1998;
- Fire Service Act 1975;
- Health Act 1956;
- Civil Defence Emergency Management Act 2002;
- Long Term Plan;
- Ōamaru, Weston & Kakanui Spatial Plan 2022-2050;
- Infrastructure Strategy 2018-2048;
- Ōamaru Harbour Plan 2020;
- Recreation Strategy 2012-2022;
- Mackenzie District Plan;
- Central Otago District Plan;
- Dunedin City District Plan;
- Waimate District Plan;
- Queenstown Lakes District Plan;
- Westland District Plan;
- Waitaki Iwi Management Plan 2019