

# 1 Introduction

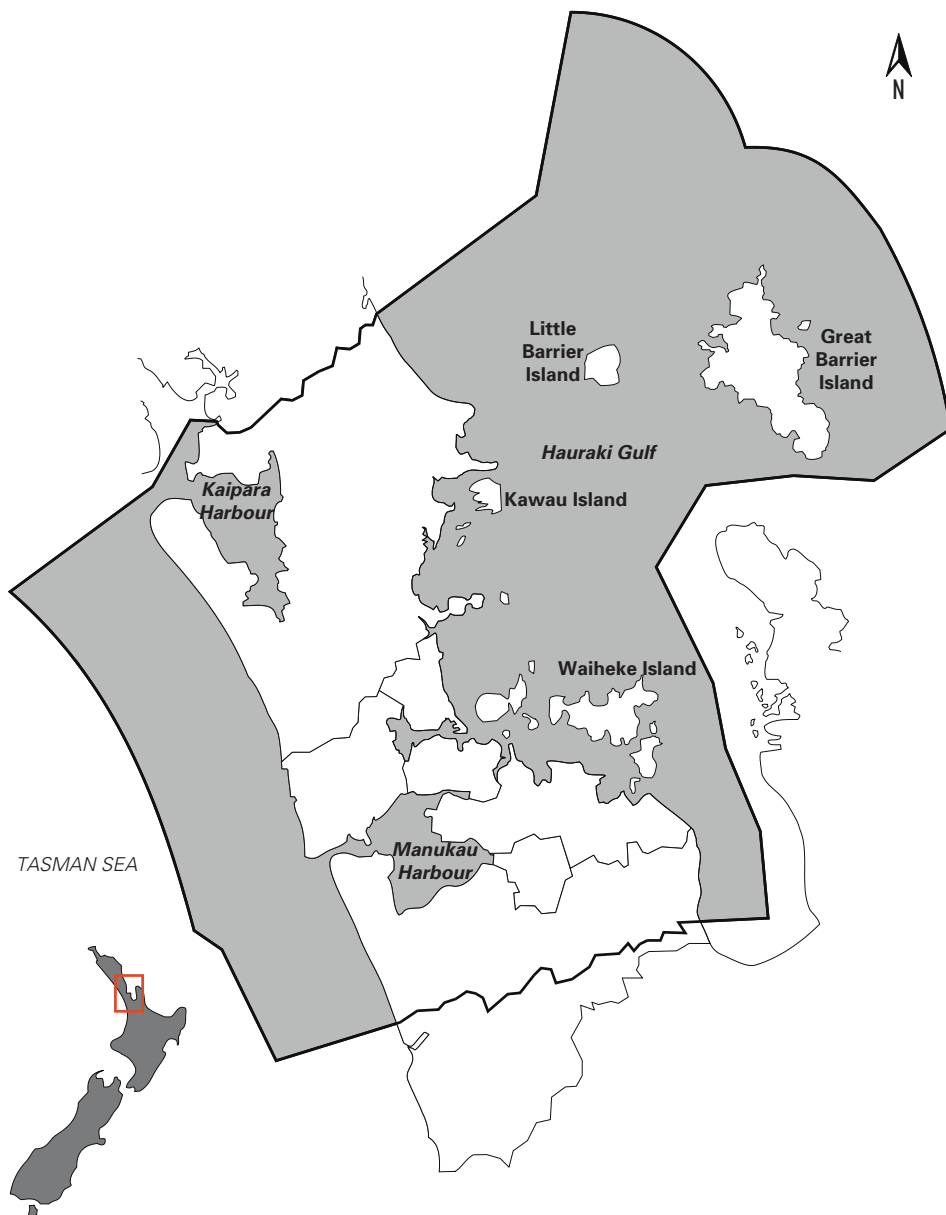
## 1.1 The Plan

This plan is the Auckland Regional Plan: Air, Land and Water. It has been prepared by the Auckland Regional Council (ARC) to assist it to carry out its functions in order to achieve the purpose of the Resource Management Act 1991 (RMA).

## 1.2 Plan Coverage

This plan applies to all of the area within the Auckland Region (the jurisdiction of the Auckland Regional Council – see Figure 1.1).

Figure 1.1: The Auckland Region



The Auckland Regional Plan: Coastal has defined the boundary between the coastal marine area and land and freshwater areas. This boundary often extends upstream into the mouths of rivers and streams. The Regional Plan: Coastal contains maps as well as a detailed description of the agreed river mouths and the associated coastal marine area boundary. This Plan applies to the land and freshwater areas upstream of these boundaries and landward of Mean High Water Springs. The provisions of Part 3 (Discharges to Land and Water and Land Management, Water Allocation and the Beds of Lakes and Rivers and Diversion of Surface Water) only apply to these land and freshwater areas. The Regional Plan: Coastal does not contain provisions relating to the discharges of contaminants to air. The provisions relating to air discharges are contained in this Plan (Part 2: Air Quality) and apply to all of the Auckland Region, including the coastal marine area.

The Auckland Regional Plan: Air, Land and Water applies to the ARC's management of air, land and water resources in the Auckland Region, in terms of its functions under Sections 30 (1) (c), (ca), (d), (e), (f), (fa), (g) and (ga) of the RMA. These Section 30 functions are discussed in more detail in Section 1.3 below.

The Plan is in two parts. The first part is the Plan text (A4) and the second part is the Plan Maps (A3). The two parts need to be read together.

## 1.3 The Resource Management Act

The RMA is the statute under which this plan has been prepared. The cornerstone of the Act is Part 2, Purpose and Principles. Also relevant to the preparation of this regional plan, is Section 30 which lists the functions of regional councils, including those matters over which it can have rule making functions.

### Section 5 of the Resource Management Act

Section 5 (1) states the purpose of the RMA, which is:

*"to promote the sustainable management of natural and physical resources."*

Section 5 (2) defines "sustainable management" to mean:

*"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."*

The Plan promotes the sustainable management of the Auckland Region's natural and physical resources through the interaction of its four component Parts, (Part 1: Introduction and Values, Part 2: Air Quality, Part 3: Land and Water Resources and Part 4: Information and Processes) and their application to most, but not all of the ARC's functions under Section 30 of the Act.

Chapter 2 entitled Values identifies the values of the air, land and water resources covered by this Plan. It contains objectives and policies to ensure that these values are reflected in the sustainable management of the Region's natural and physical resources.

Parts 2 (Air Quality) and 3 (Discharges to Land and Water and Land Management, Water Allocation and the Beds of Lakes and Rivers and Diversion of Surface Water) deal more specifically with the use and development of the region's air, land and water

resources. It is recognised that demand will occur for use and development of these resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. While the objectives and policies seek to enable this, they also seek to ensure that adverse effects of their use and development are avoided, remedied or mitigated.

### Section 6 of the Resource Management Act

Section 6 requires the ARC, in undertaking its functions being addressed by this Plan, to recognise and provide for the following matters of national importance in managing the use, development and protection of the natural and physical resources of the Auckland Region.

- (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 Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;*
- (f) *The protection of historic heritage from inappropriate subdivision use, and development; and*
- (g) *The protection of recognised customary activities."*

These matters, where appropriate to the function of this Plan have been recognised and provided for in the plan. Chapters 2.1: Natural Values and 2.2: Use and Development contain objectives and policies which relate to the matters listed in Sections 6 (a) to (g). Similarly, Chapter 2.3: Matters of Significance to Tangata Whenua contains objectives and policies relating to the matters referred to in Section 6 (e) and (g). The specific objectives and policies in the three chapters relate the broad statements contained in Section 6 of the RMA to the management of air, land and water resources in the Auckland Region. These provisions form part of the assessment framework for activities addressed in Parts 4 and 5 of the Plan.

### Section 7 of the Resource Management Act

Section 7 states the following Other Matters to which the ARC must have particular regard when managing the use, development, and protection of natural and physical resources.

*"(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:*
- (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:*

(j) *The benefits to be derived from the use and development of renewable energy."*

Particular regard has been made to these matters in the development of the plan, which contains a number of objectives, policies, rules and other methods to give effect to section 7.

## Section 8 of the Resource Management Act

The RMA requires the ARC to take into account the principles of the Treaty of Waitangi. Section 8 states:

*"In achieving the purpose of this Act, 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)."*

Whilst there is no list as such, of the principles of the Treaty of Waitangi available for decision-makers to consider, the High Court has paraphrased a list of so-called "central principles" based on the list referred to in "Laws of New Zealand, Treaty of Waitangi". The list must be interpreted in light of any new judgments on s8 of the RMA that may be made from time to time. Processes and outcomes designed to take into account the principles of the Treaty of Waitangi have been incorporated into Chapter 3 of the Auckland Regional Policy Statement (ARPS), and Chapter 2.3 of this Plan.

## Section 30 of the Resource Management Act

The ARC's functions are stated in Section 30 of the RMA. It lists a number of functions, some of which are implemented by the Council through the Auckland Regional Policy Statement or the Auckland Regional Plan: Coastal. This Plan implements the following Section 30(1) functions:

- (c) *The control of the use of land for the purpose of –*
  - (i) *Soil conservation;*
  - (ii) *The maintenance and enhancement of the quality of water in water bodies;*
  - (iii) *The maintenance of the quantity of water in water bodies and coastal water;*
  - (iiia) *The maintenance and enhancement of ecosystems in water bodies and coastal water;*
  - (iv) *The avoidance or mitigation of natural hazards;*
- (ca) *The investigation of land for the purposes of identifying and monitoring contaminated land:*
- (d) *In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) or –*
  - (iv) *discharges of contaminants into or onto air;*
- (e) *The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body;*
- (f) *The control of discharges of contaminants into or onto land, air, or water and discharges of water into water;*
- (fa) *If appropriate, the establishment of rules in a regional plan to allocate any of the following:*
  - (i) *The taking or use of water (other than open coastal water);*
  - (ii) *The taking or use of heat or energy from water (other than open coastal water);*

- (iii) *The taking or use of heat or energy from the material surrounding geothermal water;*
- (iv) *The capacity of air or water to assimilate a discharge of a contaminant;*
- (g) *In relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of –*
  - (i) *Soil conservation;*
  - (ii) *The maintenance and enhancement of the quality of water in that water body;*
  - (iii) *The maintenance and enhancement of the quantity of water in that water body;*
  - (iv) *The avoidance or mitigation of natural hazards;*
- (ga) *The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.*

The functions listed in clauses (c), (ca), (d), (e), (f), (fa), (g) and (ga) are given effect through the ability of the ARC to make regional rules under Sections 9(3), 14, 15 and 13 of the RMA respectively. Chapters 4 to 7 of this Plan contain the specific issues, objectives, policies, rules and other methods relating to each of these Section 30 functions. The introductory section of each chapter also provides more detail on the legislative basis for the provisions.

## 1.4 How The Plan Promotes Sustainable Management

A key component to promoting sustainable management is integrating the management of natural and physical resources, hence the reason for dealing with most of the ARC's functions in relation to air, land and water resources in one plan. Consistency is also required with the provisions of the Regional Plan: Coastal. This is important, as the coastal marine area is a **receiving environment** of the effects of land use activities, when discharges of contaminants to land or to freshwater bodies are not adequately managed and end up entering the marine environment.

The RMA requires the ARC to be continually looking forward when making decisions on resource management issues to meet today's needs, and to meet the reasonably foreseeable needs of future generations.

The ARC must also recognise that human communities and other life forms now and in the future will depend on maintaining the essential natural components of these resources. Use of them today must ensure that their life supporting capacity is safeguarded. Also, every person has a duty to ensure that the adverse effects of their activities are avoided, remedied or mitigated.

The RMA defines the 'environment' in a manner that means that the adverse effects of activities must be considered not only in terms of natural and physical resources, but also in terms of people and communities and the social, cultural and economic conditions affecting those people and communities. Furthermore, there needs to be consideration of the **amenity** values which people place on aspects of the natural and physical world. Thus the environment is defined in both physical and social terms.

The promotion of the sustainable management of natural and physical resources therefore requires the integration of the environmental, social, economic and cultural aspects of the environment.

To ensure that natural and physical resources are managed in an integrated and sustainable manner, the provisions of this plan provide for the preservation and **protection** of particular natural values, which are identified in Chapter 2.1, while allowing people to use and develop air, land and water resources to provide for their social, economic and cultural wellbeing.

## 1.5 The Role of this Plan

The role of this Plan is to enable the ARC to fulfil its statutory obligations to control resource use in accordance with Sections 30 (c), (ca), (d), (e), (f), (fa), (g) and (ga). The ARC also uses other mechanisms to meet these obligations. They include:

- A Regional Policy Statement which states integrated broad resource management policy for the Auckland Region;
- The preparation of Annual and Strategic Planning documents which state the priorities of the ARC in the short and medium term;
- The Regional Plan: Coastal, the Regional Plan: Sediment Control, and the Regional Plan: Farm Dairy Discharges, which contain Rules in relation to specific functions and areas in the Auckland Region;
- The Auckland Regional Growth Strategy;
- Education and advocacy programmes (including the development of non-statutory guidelines and strategies) to increase awareness and inform the environmental behaviour of the general public and key stakeholders;
- Resource Consent processes, which implement resource management policy on a site specific basis;
- Monitoring, research, and investigations, which have the purpose of gathering information about the environment (including social and economic aspects) to inform resource management decision making.

Rules in this regional plan are only one method of achieving an environmental outcome, and will often be backed up by other ARC initiatives. The Other Methods sections of Chapters 4 to 7 identify some, but not all of the other initiatives used by the ARC to achieve the Plan's desired environmental results. Education and advocacy are two mechanisms commonly used in conjunction with the rules in this plan.

## 1.6 Reasons for Preparing the Regional Plan: Air, Land and Water

The ARC considers the Auckland Regional Plan: Air, Land and Water is necessary enable it to achieve the purpose of the RMA, namely to promote the sustainable management of natural and physical resources within the Auckland Region.

The Auckland Regional Policy Statement (ARPS), which has as one of its purposes to integrate the management of the region's natural and physical resources, indicates in a number of chapters that a regional plan dealing with air, land and water resources should be prepared. These include: Water Quality (Chapter 8), Water Conservation and Allocation (Chapter 9), Air Quality (Chapter 10), Soil Conservation (Chapter 12), Minerals (Chapter 13), Waste (Chapter 15), and Hazardous Substances (Chapter 16).

The ARC has already prepared the Auckland Regional Plan: Coastal. Many of the issues dealt with in that plan are similar to the issues that need to be dealt with in this Plan. Accordingly, to ensure a comprehensive and consistent management approach to the region's natural and physical resources, this Plan has adopted, where appropriate, a similar approach to the Auckland Regional Plan: Coastal.

In addition, the ARC has two other operative regional plans relating to farm dairy discharges and sediment control. The provisions in those Plans are not included within this regional plan.

The Auckland Regional Plan: Air, Land and Water, in conjunction with the existing regional plans (Sediment Control, Farm Dairy Discharges and Coastal) will enhance the

management of natural and physical resources in the Auckland Region.

Moreover, Section 65 of the RMA - Preparation and change of other regional plans (set out below), states that regional councils should consider the desirability of preparing a plan where the matters specified in that section apply. The ARC considers that the matters in section 65 (3)(a to i) are relevant in the Auckland context and that this regional plan was not only desirable but also necessary. Section 65 states:

*Section 65 (3)*

*Without limiting the power of a regional council to prepare a regional plan at any time, a regional council shall consider the desirability of preparing a regional plan whenever any of the following circumstances or considerations arise or are likely to arise:*

- (a) Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict;*
- (b) Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance;*
- (c) Any threat from natural hazards or any actual or potential adverse effects of the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated;*
- (d) Any foreseeable demand for or on natural and physical resources;*
- (e) Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;*
- (f) The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration;*
- (g) The implementation of a national policy statement or New Zealand coastal policy statement;*
- (h) Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality;*
- (i) Any other significant issue relating to any function of the regional council under this Act;*

A further important reason is that without this Plan, nearly all proposals to use and develop the region's air, land and water resources or undertake works on the beds of rivers and **lakes** would require a resource consent from the ARC. This is because sections 13(1), 14 and 15 of the RMA state that unless a regional plan expressly provides for use and development of these resources, then a resource consent is necessary, regardless of the environmental effects that any proposal would generate. It is only sections 9(3) and 13(2) of the RMA that have the opposite presumption, whereby land may be used, or plants and animal habitats disturbed in **lake** and river beds, in a manner that does not contravene a rule in a regional plan. The practical result of these sections is that the plan must specify the circumstances when an activity can or cannot be undertaken without a resource consent. One of the key reasons for this plan then is to permit appropriate activities without the need for resource consent and require resource consents for all other activities other than those which are prohibited. Detailed rules are set out in the relevant chapters of this plan.

Another important reason for this regional plan is to provide greater certainty and specificity for all parties involved in the resource management process, by providing a decision making framework by which the ARC implements its Section 30 functions. This is achieved through the establishment of objectives and policies by which the effects of activities on natural and physical resources are assessed, and the inclusion of conditions, or standards and terms to guide plan rules. The development of the plan facilitates greater consistency in the preparation and assessment of resource consent applications and improves certainty of decision making.

## 1.7 Framework for Assessing the Inclusion and Use of External Documents

This Plan refers to and uses a number of *external documents* such as technical publications, codes of practice, guidelines and New Zealand Standards. These may be produced by the ARC or various other agencies, both national and international (e.g. the New Zealand Ministry for the Environment).

These *external documents* generally contain the best available scientific or technical knowledge or provide a best practice framework for the management of activities at a level of detail that is difficult or impracticable to include in the Plan's policies or rules. These documents are used in a number of different ways in the Plan. Some *external documents* are referenced in the Plan's policies as matters which will be considered in the assessment of resource consent applications. References to *external documents* are also included as permitted activity conditions, or standards and terms for controlled activities that must be met as plan of the rule. In other instances references are made via explanatory notes to *external documents* as providing one means of compliance with various rules. The Other Methods sections of various chapters identify the development of various guidelines as areas for ARC education and research.

This section of the Plan sets out a framework for assessing the inclusion and use of *external documents* in the Plan and seeks to ensure that the most relevant document is applied to the management of certain activities or environments. The Plan does not adopt a single approach to the use of *external documents*, but recognises that different approaches are required depending on the activity or resource being managed. The determination of which external document is the most appropriate one to use and how it is best used in the Plan is made taking into consideration the following matters:

- Whether it is an appropriate means to meet the objectives and policies of the Plan;
- There is clear identification of the section or part of the *external document* that is relevant to use in the Plan;
- There is an understanding of the basis upon which the *external documents* have been derived and their purpose;
- There is consistency in the purpose and use of *external documents* in the Plan with the purpose and use for which they were originally developed;
- The transferability of *external documents* to the Auckland Region situation, with an understanding of the points of difference between the locations or circumstances where the documents were developed and the Auckland Region situation;
- The allowances to be made for the differences between the origins of the *external documents* and the Auckland Region situation;
- Whether it is beneficial to provide national consistency in the management of activities or environments by using *external documents* that are acceptable at the national level or by a particular sector provided that circumstances or environmental factors unique to Auckland, such as our stream characteristics combined with urban growth, have been taken into account;
- Whether the *external documents* have been through a robust and transparent consultation and review process in their development or review.



Any changes to the Plan's references to *external documents* such as replacing them with other documents or newer versions of the same document will only be made by a variation or change to the Plan. Before any new technical document, code of practice, guideline or standard is referred to in the Plan or before any such changes or replacements are made to *external documents* already referred to in the Plan, the ARC shall undertake a consultative process that shall include:

- Identification by the ARC of the purpose of the *external document*;
- The development of a draft *external document* and its distribution to affected and identified parties, where these are known to the ARC for their comment;
- Peer review of an *external document* by suitably qualified experts;
- Consultative meetings with interested and affected parties where these are known by the ARC;

Where the ARC proposes to use *external documents* prepared by other agencies, it will:

- Identify the purpose of any *external document*;
- Hold consultative meetings with interested and affected parties where these are known to the ARC on the use of this document;
- These meetings shall take place prior to the initiation of any formal variation or change to the Plan.

## 1.8 Policy Framework

As well as providing the legislative framework for the development of this plan through the purposes and principles, the RMA provides for a framework of statutory policy statements and plans to guide and regulate the management of air, land and water resources. This plan fits within the hierarchy as shown in Figure 2.

### 1.8.1 National Environmental Standards

National Environmental Standards are standards issued by means of regulation to provide a nationally consistent approach to the management of the environmental effects of certain activities. National Environmental Standards prescribe technical standards, methods or requirements for matters referred to in Sections 9, 11, 12, 13, 14 and 15 of the RMA, including but not limited to the management of contaminants, water quality, water levels and flows, air quality, soil quality in relation to the discharge of contaminants, noise and monitoring methods and requirements. These standards may be stated as qualitative or quantitative measures.

National Environmental Standards may be in the form of rules that allow or prohibit an activity or require rules to address matters specified in the standards. A National Environmental Standard prevails over rules in a regional plan or a resource consent, except where the plan contains rules that are more stringent than the National Environmental Standard and the standard expressly says a rule or a consent may be more stringent.

### 1.8.2 National Policy Statements

#### The New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement applies to the coastal environment which is wider than the coastal marine area. Accordingly the air, land and water resources controlled by this Plan that are within the coastal environment are subject to the provisions of this policy statement.

Pursuant to section 55, this Plan shall not be inconsistent with the New Zealand Coastal Policy Statement issued by the Minister of Conservation and gazetted on 5 May 1994. The purpose of a New Zealand Coastal Policy Statement, as stated in section 56, is:

*“to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.”*

The provisions of the New Zealand Coastal Policy Statement have been considered in the development of this Plan’s objectives, policies and rules. Section 104 (1) of the RMA requires that applications for resource consents under this Plan must also have regard to the New Zealand Coastal Policy Statement.

### 1.8.3 The Hauraki Gulf Marine Park Act

Section 7(1) of the Hauraki Gulf Marine Park Act states

*“The interrelationship between the Hauraki Gulf, its islands and catchments and the ability of that relationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.”*

Section 7(2) and Section 8 list specific matters which must be recognised in the management of Hauraki Gulf, its islands and catchments. These sections have the status of a New Zealand coastal policy statement issued under the Resource Management Act.

The provisions of this Plan where they apply to the Hauraki Gulf, its islands and catchments must not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act. Applications for resource consents under this Plan must also have regard to Sections 7 and 8 of the Marine Park Act, in addition to the matters contained in the RMA.

Much, but not all of the Auckland Region covered by this plan lies within the Hauraki Gulf’s drainage catchment and hence is subject to the provisions of the Hauraki Gulf Marine Park Act. The Hauraki Gulf’s drainage catchment is shown in the map in Schedule 3 of that Act.

### 1.8.4 Auckland Regional Policy Statement (ARPS)

The ARPS became operative on the 31 August 1999. The purpose of the ARPS, pursuant to section 59 of the RMA, is:

*“to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”*

The ARPS provides a broad framework for the management of growth within the Auckland Region and its effects on air, land and water resources. Various chapters of the ARPS address specific management issues relating to regional air, land and water resources. Implementation of the ARPS provisions occurs through district plans and regional plans, as well as other non-statutory means. This plan has been prepared to enable the ARC to implement ARPS policy through its statutory responsibilities under Section 30 of the RMA.

Further discussion on how the Plan gives effect to the ARPS is contained in the Explanation accompanying Issue 2.2.2.1 of Chapter 2.2: Use and Development.

### 1.8.5 Transitional Regional Plan

Pursuant to section 368 of the RMA, instruments that were in force in respect of any region except the coastal marine area immediately prior to 1 October 1991 (the date of commencement of the RMA) are deemed to constitute the ‘transitional’ regional plan.



### 1.8.8 Conservation Management Strategy (CMS)

The Department of Conservation (DOC) has responsibilities under the Conservation Act 1987 to prepare a Conservation Management Strategy (CMS) for the Auckland Conservancy. The purpose of the CMS is to establish objectives for the integrated management of natural and historical resources managed by DOC and to implement policies prepared under section 17B of the Conservation Act. The CMS covers all land, marine areas, and historic resources administered by DOC, as well as all aspects of the department's work. It also indicates desired outcomes for the *protection* of natural and historic values not directly managed by the department, such as lands administered by other agencies or in private ownership.

Section 66(2)(c)(i) of the RMA requires the ARC, in preparing this Plan, to have regard to any management plans and strategies prepared under other Acts. Information contained in the CMS has been used in the preparation of this Plan and in particular the development of Schedule 1: Wetland Management Areas. Regard has been had to reflecting the provisions of the CMS where these are consistent with the purpose of the RMA. For example the policies of Chapter 2.1: Natural Values include reference to the CMS.

### 1.8.9 Auckland Regional Growth Strategy

The Auckland Regional Growth Strategy (ARGS) has been prepared by the Auckland Regional Growth Forum under the Local Government Act 1974. The purpose of the Strategy is *"to ensure growth is accommodated in a way that meets the best interests of the inhabitants of the Auckland region."* It provides a vision and a framework to manage a regional population growth which is estimated to reach two million people by 2050. A Growth Concept is identified which illustrates how the region could look in fifty years time, if this growth is managed according to the vision, outcomes and principles contained in the Strategy. The concept focuses on accommodating most future growth within the existing metropolitan area, with development outside the current *urban area* only where environmental, accessibility and community principles can be met. Some growth would be accommodated in future urban areas (greenfield areas) in the north, south and west of the region. Rural Auckland, which includes rural and coastal towns will double in population size as a result of continued natural growth. Development of the most highly valued and sensitive natural areas is to be avoided.

## 1.9 Other Statutes

While the RMA is the statute under which objectives, policies and rules are stated in this plan, several other statutes also play an important role. In preparing this plan it has been recognised that other legislation may affect activities occurring within the region with respect to these resources.

Readers of this document should be aware that in addition to the requirements of this Plan, it may be necessary to obtain approvals pursuant to other legislation. This other legislation may allow activities that would otherwise not be permitted activities by this plan.

The major statutes that could affect use and development of air, land and water resources of the Auckland Region are:

- Auckland Metropolitan Drainage Act 1960
- Biosecurity Act 1993
- Building Act 1991
- Conservation Act 1987
- Crown Minerals Act 1991
- Electricity Act 1992
- Fire Service Act 1975
- Fisheries Act 1996
- Forest and Rural Fires Act 1977
- Freshwater Fisheries Regulations 1983
- Gas Act 1992
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Health and Safety in Employment Act 1992
- Historic Places Act 1993
- Land Transport Act 1998
- Litter Act 1979
- Local Government Act 2002\_
- Local Government Auckland Amendment Act 2004
- Māori Fisheries Act 1989
- North Shore Drainage Act 1963
- Reserves Act 1977
- Resource Management (Marine Pollution) Regulations 1998
- Submarine Cables and Pipelines Protection Act 1966
- Telecommunications Acts 1987 and 2001
- Te Ture Whenua Māori Act 1993
- Treaty of Waitangi Act 1975
- Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
- Wildlife Act 1953

Compliance with any other relevant legislation is also required.

## 1.10 International Obligations

The main method available under international law for countries to work together on global environmental issues is the multilateral environmental agreement (MEA). MEAs cover a broad range of areas often relating to air, land and water resources. For these international treaties to have any legal and practical effect they must be ratified or acceded to by the New Zealand Government and incorporated into domestic legislation such as the RMA. Some of the relevant MEAs to which New Zealand is party to and which have been given effect by legislation in New Zealand are:

- Montreal Protocol on Substances that Deplete the Ozone Layer 1987
- Given effect to by the Ozone Layer Protection Act 1996;
- Vienna Convention for the Protection of the Ozone Layer, 1985.
- Convention for the Prevention of Pollution from Ships, 1973 [MARPOL]. Although New Zealand has not ratified, it has signed up to four of its six technical Annexes
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1971 [London Dumping Convention] (ratified by New Zealand in 1975)

The Resource Management (Marine Pollution) Regulations 1998 ensure its consistency with the conventions and give effect to these obligations within the Territorial Sea. Marine protection rules promulgated under the Maritime Transport Act (MTA) give effect to these same obligations beyond the Territorial Sea, to the limits of the Exclusive Economic Zone – and in some cases to the limits of the continental shelf.

Some other relevant treaties and international instruments to which New Zealand is a party to or has adopted are:

- Convention on Wetland of International Importance especially as Waterfowl Habitat, 1971
- [Ramsar Convention] - New Zealand has five sites listed as wetlands of importance under the Convention.
- United Nations Convention on Biological Diversity, 1992
- In response to its obligations under the CBD, New Zealand adopted the *New Zealand Biodiversity Strategy*.
- Rio Declaration on Environment and Development, 1992.
- The Sustainable Development for New Zealand Programme of Action aims to translate the concepts in the declaration into practical terms.
- United Nations Framework Convention on Climate Change, 1992 [UNFCCC] and the Kyoto Protocol to the UNFCCC, 1997
- The Climate Change Response Act 2002 puts in place a legal framework to allow New Zealand to ratify the Kyoto Protocol and to continue to meet its obligations under the United Nations Framework Convention on Climate Change.

Although this Plan only includes matters which are within the RMA, its provisions may complement the operation of other legislation as well as treaties and international instruments.