

2.0 LEGISLATIVE AND POLICY FRAMEWORK

2.1 Purpose of the Resource Management Act 1991

The Resource Management Act establishes the ARC's statutory responsibilities for resource management and the framework under which this Plan operates. The purpose of the Act is to promote the sustainable management of natural and physical resources. Section 5(2) states:

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.*

2.2 Principles of the Resource Management Act 1991

2.2.1 Matters of National Importance

Section 6 of the Resource Management Act states the following matters of national importance that the ARC must recognise and provide for in managing the use, development and protection of natural and physical resources. These are:

- (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 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.*

This Plan recognises and provides for these matters where appropriate.

2.2.2 Matters To Which The ARC Must Have Particular Regard

Section 7 of the Resource Management Act states the following other matters to which the ARC must have particular regard. These are:

- (a) *Kaitiakitanga;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *Intrinsic values of ecosystems;*
- (e) *Recognition and protection of heritage values of sites, buildings, places, or areas;*
- (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.*

The ARC has given particular regard to these matters in developing this Plan.

2.2.3 Principles of the Treaty of Waitangi

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

In achieving the purpose of the 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).

The tangata whenua of the Auckland region were consulted during the development of this Plan. The effects of farm dairy washwater discharges on matters of significance to tangata whenua were identified. Objectives, policies and rules have been included in this Plan to ensure that tangata whenua concerns are taken into account in implementing its provisions.

2.3 Scope of this Plan

This regional plan regulates discharges of farm dairy contaminants onto land and into water, except where contaminants are discharged into the coastal marine area. Discharges of contaminants into the coastal marine area are regulated by the provisions in the *Proposed Regional Plan: Coastal*. The coastal marine area is defined in the Definitions Section of this Plan. Further information on the boundaries of the coastal marine area is contained in the *Proposed Regional Plan: Coastal*.

2.4 Policy Framework

As well as establishing the legislative framework for the development of this Plan, the Resource Management Act provides for statutory policy statements and plans. These make up the policy framework within which any regional plan is developed, and are summarised below.

2.4.1 *Auckland Regional Policy Statement 1994*

Pursuant to Section 60, the ARC publicly notified a *Proposed Auckland Regional Policy Statement* on 12 February 1994. The purpose of the *Proposed Auckland Regional Policy Statement* 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 *Proposed Auckland Regional Policy Statement* contains an overview of water quality issues in the region, including the objectives, policies, and methods that the ARC wishes to achieve to maintain and enhance water quality. Under the Act, the Regional Plan: Farm Dairy Discharges must not be inconsistent with the *Proposed Auckland Regional Policy Statement*.

2.4.2 *Other Regional Plans*

The purpose of a regional plan is to assist the ARC in carrying out its functions in order to achieve the purpose of the Act. Regional plans may be prepared to address specific issues and in doing so, they must not be inconsistent with any policies adopted in the *Proposed Auckland Regional Policy Statement*. A regional plan may include rules as well as objectives and policies. These rules have the force and effect of regulations and are enforceable under the Act. Rules are introduced only where the ARC is satisfied that they are necessary for achieving the purpose of the Act and are the most appropriate means of exercising the ARC's functions, having regard to both efficiency and effectiveness.

Proposed Regional Plan: Coastal

The *Proposed Regional Plan: Coastal* contains objectives, policies, rules and methods which apply to any discharge of contaminants into the coastal marine area.

Proposed Regional Plan: Sediment Control

The *Proposed Regional Plan: Sediment Control* contains objectives, policies, rules and methods relating to land disturbing activities that cause sediment discharges.

2.4.3 *Iwi Planning Documents*

Section 66 2(c)(ii) of the Resource Management Act recognises the importance of having regard to Iwi planning documents when preparing plans.

2.4.4 District Plans - District Council Functions

Section 31 of the Resource Management Act gives district councils the following functions relevant to this Plan:

- "a) *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; and*
- c) *The control of the subdivision of land."*

District council requirements should be checked before any changes are made to existing washwater treatment systems or any new system is installed. Many district councils have specific rules which stipulate minimum separation distances between washwater treatment and disposal systems and adjoining properties or buildings, to mitigate the effects of spray or odour nuisances. Under the Resource Management Act, rules in district plans must be complied with as well as the rules in this Regional Plan.

2.5 Categories of Activities

The rules within this Plan determine whether a resource consent is required for any activity. All farm dairy discharges fall into the following categories of activity:

Permitted Activities:

No resource consent is required. However any permitted activity must comply with the criteria specified in the Plan. If it does comply, it can be carried out as of right.

Controlled Activities:

A resource consent is required. This Plan states the standards with which a controlled activity must comply, and the matters over which the ARC can exercise control.

The ARC cannot refuse consent for a controlled activity which meets the standards set out in the Plan. However, conditions may be imposed on matters over which the ARC exercises control. If it does not meet the standards, the activity becomes either a discretionary or a non-complying activity.

Discretionary Activities:

A resource consent is required, and the ARC may grant or refuse consent. Discretionary activities over which the ARC has retained full discretion are listed in Section 6.4.

Non-complying Activities:

A resource consent is required, and the ARC can grant or refuse consent. The activity is non-complying if it does not comply with the conditions specified for permitted, controlled or discretionary activities and it is not listed as a prohibited activity. A full assessment is conducted and full discretion is exercised by the ARC as to whether or not a resource consent is granted.

Prohibited Activities:

No application can be lodged to undertake an activity that is listed as a prohibited activity in a regional plan.