

1. Statutory context

1.1 The purpose of the Resource Management Act (1991)

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Section 5(2) of the Act 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.”

1.2 Functions of regional councils

The Wellington Regional Council (the Council) has statutory functions under section 30 of the Act which include the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region. The Wellington Regional Council must also give effect to the Act by controlling the use of land for the purposes of:

- Soil conservation
- The maintenance and enhancement of the quality of water in water bodies and coastal water
- The maintenance of the quantity of water in water bodies and coastal water
- The maintenance and enhancement of ecosystems in water bodies and coastal water
- The avoidance or mitigation of natural hazards, and
- Ensuring that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region.

1.3 The purpose and preparation of regional plans

Section 63 of the Act states that the purpose of regional plans is to assist regional councils to carry out their functions in order to achieve the purpose of the Act. Section 64 specifically requires the mandatory preparation of a regional coastal plan. Further, section 64 enables the coastal plan to form part of a regional plan in order to promote the integrated management of the coastal marine area and any related part of the coastal environment.

Clause 2(2) of Schedule 1 of the Act requires a proposed regional coastal plan to be developed in consultation with the Minister of Conservation, iwi authorities of the region and any customary marine title group in the region (of which we do not have any in the Wellington Region). As the Proposed Plan is an integrated plan, we have consulted with the Minister (through the Department of Conservation) and the region's iwi authorities on the entire plan, including those provisions that are the regional coastal plan.

1.4 Matters to be considered by regional councils

The matters to be considered by regional councils in its plans are set out in section 66 of the Act. This section requires the Council to act in accordance with its functions under section 30, the provisions of Part 2, and its duty under section 32. Section 66(2) also sets out a number of other matters the Council shall have regard to, including:

- a) any proposed regional policy statement in respect of the region; and*
- b) the Crown's interests in the coastal marine area; and*
- c) any:*
 - i) management plans and strategies prepared under other Acts; and*
 - ii) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing... ”).*

1.5 Immediate legal effect of rules

Pursuant to section 86(B) (3) of the Act, all of the rules of the Proposed Plan will have immediate legal effect.

86B When rules in proposed plans and changes have legal effect...

... (3) A rule in a proposed plan has immediate legal effect if the rule—

(a) protects or relates to water, air, or soil (for soil conservation); or

(b) protects areas of significant indigenous vegetation; or

(c) protects areas of significant habitats of indigenous fauna; or

(d) protects historic heritage; or

(e) provides for or relates to aquaculture activities.