

## **2. Background**

### **2.1 Resource Management Act**

The Resource Management Act 1991 requires sustainable management of our natural and physical resources. The Act establishes a framework for the management of land, air, the coast, fresh water and the control of discharges into the environment and provides for national, regional and territorial levels of responsibility.

Under section 30 of the Resource Management Act, the Taranaki Regional Council ('the Council') is responsible for the control of water, air, land (for soil conservation purposes, water management, natural hazards avoidance and mitigation and hazardous substances management), the control of the coastal marine area (in conjunction with the Minister of Conservation), control of the discharge of contaminants into the environment, the control of river and lakebeds and the establishment and implementation of objectives, policies and methods for indigenous biodiversity.

Under section 31 of the Resource Management Act, the region's three territorial authorities (ie, district councils) are responsible for preparing objectives and policies for integrated management of the effects of land use, control of the effects of land use including responsibility for the avoidance and mitigation of natural hazards and hazardous substances management, indigenous biodiversity, noise control and control of activities on the surface of water in rivers and lakes.

Under section 30(1)(a) of the Resource Management Act, the Council is further responsible for preparing objectives and policies for the integrated management of the natural and physical resources and for the effects of the use, development or protection of land, which are of regional significance. To give effect to this responsibility, the Council is required to prepare a regional policy statement.

### **2.2 Regional Policy Statement**

The Act requires each regional council to have in place, a regional policy statement for its region.

The purpose of a regional policy statement, as prescribed in section 59 of the Act, 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 Act also sets out what regional policy statements must include. Under section 62 of the Act a regional policy statement must state:

- (a) the significant resource management issues for the region;
- (b) the resource management issues of significance to iwi authorities in the region;
- (c) the objectives sought to be achieved by the statement;
- (d) the policies for those issues and objectives and an explanation of those policies;
- (e) the methods (excluding rules) used, or to be used, to implement the policies;

- (f) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement;
- (g) the environmental results anticipated from implementation of those policies and methods;
- (h) the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions;
- (i) the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land—
  - (i) to avoid or mitigate natural hazards or any group of hazards; and
  - (ii) to prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
  - (iii) to maintain indigenous biological diversity;
- (j) the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the statement; and
- (k) any other information required for the purpose of the regional council's functions, powers, and duties under this Act.

The focus of a regional policy statement is twofold:

- first, it provides an overview of the resource management issues of the region. This includes the identification of, and the response to, the significant resource management issues of the region including issues of significance to Iwi authorities; and
- second, it sets strategic directions for achieving integrated management – not just across the different natural and physical resources (land, water, air, coast), but also between district and regional councils.

Regional policy statements cannot include rules. Nevertheless they are important and 'sit' high up in the hierarchy of policy instruments under the Resource Management Act – regional policy statements follow after national policy statements but before regional plans and district plans. In the course of preparing regional and district plans, local authorities are to have regard to the regional policy statement and such plans cannot be inconsistent with the RPS. In addition, under section 104(1) of the Resource Management Act, a consent authority considering a resource consent must have regard to the relevant regional policy statement.

### **2.3 Preparation of the first RPS**

Shortly after the enactment of the Resource Management Act in 1991, the Council commenced preparation of its first RPS. The document was a culmination of considerable research, policy development and public consultation through the production of technical reports, working papers, a draft Proposed RPS and a Proposed RPS (Figure 1).

In 1994, the Council adopted its RPS – the first completed in New Zealand under the Resource Management Act.

A total of 40 regionally significance issues are identified in the RPS (refer Appendix I). These are grouped under the general headings of resource management issues (which are further divided into land, water, air, coastal environment and energy issues) and resource management systems and processes (information and monitoring, consent processing, enforcement and cost recovery, Treaty of Waitangi and matters of significance to Iwi, cross boundary processes, and integrated resource management).

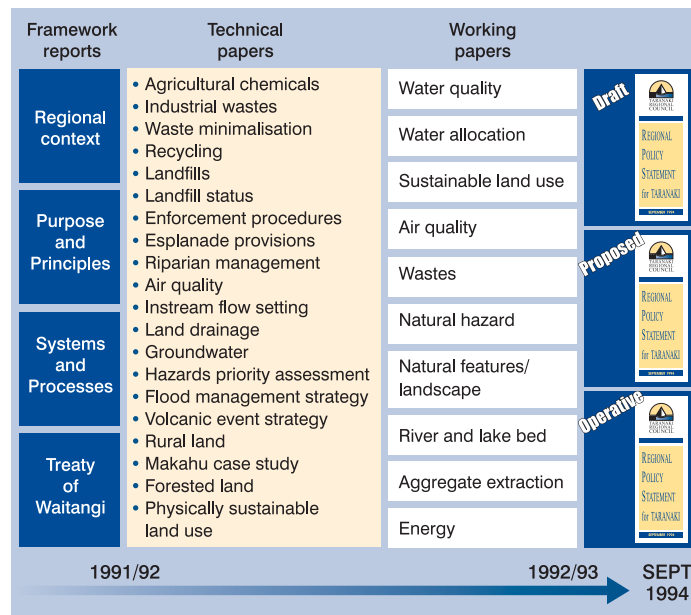


Figure 1: Development of the *Regional Policy Statement for Taranaki* (1994)

For each issue, a framework of objectives, policies and methods apply to address the issue and to guide decision-making. There are 40 objectives, 81 policies and 362 methods in the RPS to give effect to the objectives and policies. The methods cover a wide range of types and include information and advice, regulation, works and services, economic instruments and other incentives, advocacy and voluntary agreements.

Since it became operative in 1994, the RPS has provided the policy framework for preparation of the Council's regional plans and district plans prepared by district councils.

## 2.4 Review process of the RPS

The RPS has now been operative for ten years. Under section 79 of the Resource Management Act, the Council is required to commence a full review of its RPS no later than ten years after the RPS became operative. The Act does not specify how such a review is to be carried out. The Council has decided however that it will consult with its stakeholders and the wider community as part of the review process.

This document effectively 'kickstarts' the public process in relation to that review. Through the discussion document, the Council is presenting its **preliminary** thoughts on what has changed over the lifespan of the RPS, and whether or not changes to the issues, objectives, polices and methods in the RPS are needed. In so doing, the Council wishes to present you, the community, with an early opportunity to comment on its position and approach on particular issues. Are there any new issues or are some issues no longer regionally significant? Should some issues be addressed differently and why?

In the preparation of this document the Council has consulted with district council

representatives and has reviewed relevant literature, research and monitoring results. In particular, this document incorporates and builds on the findings from:

- comprehensive state of the environment monitoring and research, in relation to each issue, to assess the extent to which environmental conditions and pressures have changed over the last decade (and therefore whether the policies and methods in the RPS have been effective);
- a review of case law (ie, decisions of the courts) regarding all aspects of the content, scope and purpose of regional policy statements;
- a review of regional policy statements prepared by other regional councils;
- a review of available literature concerning good practice in the formulation of resource management policy;
- a review of government initiatives;
- a review of changes to legislation that may impact or impinge on the scope or implementation of the RPS;<sup>1</sup>
- a meeting with Council staff to discuss the usefulness of the RPS and identify any difficulties the Council has had in its implementation;
- a meeting with district council staff to discuss the usefulness of the RPS and identify any difficulties their councils have had in its implementation;
- the interim review of the RPS that reported on progress in implementing the RPS;<sup>2</sup>
- various technical and other reports prepared by the Council and other agencies; and
- community input into identifying community outcomes under the Local Government Act 2002 and other processes.

Following feedback on this document, the Council will commence the statutory part of its review by preparing a Proposed RPS that takes into account the public views and comments expressed in submissions made on this document. At that time, there will be further opportunity (if you wish) to participate in the development of the Council's second RPS.

When considering making changes to the RPS, it is useful to have a set of criteria to guide what sort of changes (if any) might need to be made. These criteria are set out in Appendix II and include such things as whether new issues have emerged (or whether current issues in the RPS are no longer significant issues for the region), whether provisions in or to be included in the RPS are lawful (ie, consistent with the purpose of the RPS and the Act), and whether provisions are clear, practicable and effective and efficient.

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<sup>1</sup> *Taranaki Regional Council: 'Review of the Regional Policy Statement for Taranaki – A Review of Case Law and Changes to Legislation'. September 2003.*

<sup>2</sup> *Taranaki Regional Council: 'Report on Progress in Implementing the Regional Policy Statement for Taranaki'. November 1999.*